

Munson Township Board of Zoning Appeals
Munson Town Hall
12210 Auburn Road
Munson, Ohio

July 29, 2020

Board Members Present:
Dennis Pilawa, Chairman
Joe Tomaric
Danielle Pitcock
Jim O'Neill
Tim Kearns
Paula Friebertshauser
Secretary

Sarah Lane
Court Reporter and Notary Public

WARE REPORTING SERVICE, LLC
21860 CROSSBEAM LANE
ROCKY RIVER, OHIO 44116
216.533.7606 FAX 440.333.0745

(Meeting began at 6:32 p.m.)

MR. PILAWA: Welcome to the Board of Zoning Appeals' meeting for July 29th. And as we typically do, let's please start the meeting with saying The Pledge of Allegiance.

(Everyone in attendance stood and recited The Pledge of Allegiance.)

MR. PILAWA: Let me just explain briefly what it is we do in this process. The Board of Zoning Appeals is a quasi judicial board. We act in the manner of judges but in a very limited authority granted by law. We take facts as evidence as presented, and we apply certain principles and standards of law to those facts, and those facts to those principles of law, and we reach an agreement — we reach a decision, not necessarily an agreement, but we reach a decision with respect to the application for the variance.

As a practical matter, you will see that there's a court reporter present. Unlike a lot of zoning boards, we make a record of all of the proceedings, and I'll tell you why that's important in a moment. As a practical matter, everybody is sworn in who wants to speak. And we ask because of the size of the crowd that you state your name, you

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spell your last name, and you give your address, and then every time you speak after that you just repeat your name so that the record is clear.

Frankly, under these circumstances, the record really needs to be clear because, you know, a proceeding before a Board of Zoning Appeals is essentially a trial with virtually none of the formalities of a trial. We take evidence and we consider, essentially, only sworn evidence; that is, the evidence that will be subject to cross-examination. In that fashion, we don't accept letters and emails and somebody coming in and saying, "I spoke to five of my neighbors and they all agree with me." We just don't do that. We don't think that's fair to either the applicant or any of the affected property owners. So from that sworn testimony, from that record, we make a decision.

The record is important for this reason: Whether the applicant is dissatisfied with our decision or one of the affected property owners is dissatisfied, or, frankly, you know, anybody who might be dissatisfied with our decision has the right to file an appeal through the common pleas court to have our decision reviewed by a judge of

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the common pleas court.

That appeal is taken by filing a notice of appeal with the common pleas court within 30 days of the approval of the minutes of tonight's meeting. That's essentially a 60-day period of time because our meetings happen about every 30 days. So whatever happens tonight, the minutes of tonight's meeting will be approved at our next meeting at the end of August and the 30 days begins to run. That appeal, except in very rare situations, is heard purely on the record; that is, a common pleas judge is unlikely to take additional evidence.

I guess a word to the wise is — and I'll tell you why I'm a little bit fearful of saying this right now — a word to the wise is, if you have anything to say you really should say it tonight or you may be forever barred from saying it. Now, with that having been said, there are a lot of people here, and while we want everybody to be able to speak, we're here to decide a use variance. We'd ask that you keep your comments to the issues relating to a use variance and what's required for a use variance.

Just by necessity, I think we're going to have to limit the amount of time everybody speaks

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EXHIBIT B

except for maybe the applicant because it's their burden. So if you find that you're going to repeat something that somebody else said or a position that somebody else said, when really the essence of what you want to say is, "I oppose this variance request," or "I'm in favor of this variance request," please stand up, give us your name, we'll swear you in, and you say, "I'm opposed to this."

Now, if it's an unusual or unique reason why you're opposed to it or in favor of it, by all means tell us. But I think we really have to limit you to three or four minutes each. We're going to try to stick to that as best we can.

The common pleas court will review what's done tonight, not necessarily to see if we are right or wrong, that is whether that judge agrees with or disagrees with the decision we made, but whether we reached that decision properly and within — and lawfully within the authority that we're granted by law. Frankly, that's all I wanted to say about the appeal process, but it's really very, very important. It's really very important.

And generally I wouldn't take questions until we started talking about something of substance, but go ahead. What's your question.

MR. ZUCCARO: If our time is going to be limited and we have a prepared statement and for the interest --

MR. PILAWA: Andy. Andy. Thank you. Ask your question again.

MR. ZUCCARO: If our time is going to be limited and we have a prepared statement for the interest of brevity, can we just say we would like to have that entered into the record and give a written copy of that and then that suffices?

MR. PILAWA: Well, probably not and I'll tell you why probably not, and that is whether you're for it or against it, the person on the other side or the people on the other side really have a right to cross-examine you, to question, to test, why you're saying what you're saying.

I'm not trying to make a silly joke. That's not your statement, is it? That packet of information, that's not your prepared statement, is it?

MR. ZUCCARO: This is stuff I'm hoping to enter into the record.

MR. PILAWA: And that's fine. No, that's fine. That's why I asked that question because there will be documentary evidence that we

take. We take photographs, we take aerial maps, we take all forms of evidence that come in along with testimony. So if you have some documents that you're using in connection with your testimony, by all means, say, "I'd like to offer this into evidence."

MR. ZUCCARO: Even if it is part of my statement that I don't verbally speak, but for shortness of brevity I'll just say the rest of it's written down and provide it with the other documents?

MR. PILAWA: I don't want you to run afoul of what the Judge in the common pleas court might do. That's all. That's all. But I simply wanted everybody to know that there has to be some limit. There has to be some limit. And I'm hoping that we can all use a certain amount of reasonableness to what we say and how long we take to say it.

Does anybody else have a question? Because we really do need to get to the meeting.

MR. TURKISH: I just wanted to voice I was at the — I get what you're saying. I was at the first BZA meeting that was postponed to this and that was my question at the first BZA meeting

because I had never been to a meeting before so my question —

MR. PILAWA: I didn't recognize you under the mask. Welcome back.

MR. TURKISH: My question at that meeting was what the time limit was and the answer was that as long as we weren't repeating ourselves you can -- you used the example of a stop sign is red, a stop sign is red, a stop sign is red — there would not necessarily be a time limit, so I prepared a statement that I don't know how to present now because my statement is about 12, 13 minutes.

MR. PILAWA: Why don't we play it by ear, but at that first meeting there wasn't nearly this number of people, not nearly this number of people. And once I became aware and once the Board became aware of the fact that we were going to have this number of people, we had to do something as a practical matter. I mean, we just had to do something as a practical matter. I remember the discussion. Frankly, I remember you now and I know that you asked those same questions, but there were 12 people in the audience at the time.

MR. TURKISH: So I can still submit this, what I don't speak about tonight?

MR. PILAWA: No, I want you to have the opportunity to address the issues related to a use variance, but I -- here, I can tell you straight up, we're not going to listen to people say, "I don't like what they do, what they're planning to do, and I'm against it." You know, "I think they do a lousy job"; "I think they do a good job." That's not what we're here for.

There are legal elements, there are legal principles, there are legal requirements that must be met or opposed in order for somebody to have a use variance. It's not easy. It's not at all easy. That's why we have this process.

There are legal standards that the applicant has to meet and that's what we're going to devote tonight's meeting to because that's all we can devote tonight's meeting to. That's all our authority is.

I take it you probably remember me saying this from the first meeting. We have very limited authority. All we can do is grant or deny a variance. That's all we can do, and that's why we limit the discussion to that which is necessary to establish those legal standards which are necessary to establish the entitlement to that variance.

MR. TURKISH: Right, but I think it revolves around the discussion for the variance. It's just lengthy.

MR. PILAWA: Okay, that's fine.

MR. TURKISH: I'll give my stuff to --

MR. PILAWA: I'm not suggesting that you not do that, I'm just saying let's all use a little bit of reasonableness tonight. That's all we're asking for. That's all we're asking for.

Anybody else have a question before we get started? Once we get started, we're just going to get into it.

All right. The first item tonight, since we only have one case on the agenda, is the approval of the minutes of the June 17th, 2020 meeting. Is there a motion with respect to the minutes of the June 17th, 2020 meeting? That's me, Danielle, Tim, Joe, and Jim. Is there a motion?

MR. TOMARIC: Yes, there's a motion to accept the minutes as written.

MR. PILAWA: Is there a second?

MS. PITCOCK: I'll second.

MR. PILAWA: Is there any discussion?

All right.

Paula, would you call the roll, please.

MS. FRIEBERTSHAUSER: Sure.

Mr. Tomaric?

MR. TOMARIC: Yes.

MS. FRIEBERTSHAUSER: Mr. O'Neill?

MR. O'NEILL: Yes.

MS. FRIEBERTSHAUSER: Mrs. Pitcock?

MS. PITCOCK: Yes.

MS. FRIEBERTSHAUSER: Mr. Kearns? Mr. Kearns?

MR. KEARNS: Yes.

MS. FRIEBERTSHAUSER: I woke him up over there.

Mr. Pilawa?

MR. PILAWA: Yes.

Now, for what it's worth, if anybody is dissatisfied with what we did June 17th, their 30 days start to run tonight. We just approved those meeting minutes. And that's very important. Let me add one other thing. If you file your appeal on the 31st day, it won't be heard. File it on the 29th day, file it on the 20th day. Don't wait until the very end if you're dissatisfied with what we do because it won't be heard. It is, as lawyers like to say, jurisdictional, and if you don't do it in a timely fashion then the common pleas court will not

have jurisdiction to hear your appeal.

Well, we have a continued case tonight. It's Case 20-02, Melanie Blasko for Lake-Geauga Recovery Centers, Inc., 12700 Ravenna Road, Chardon, Ohio. There is a request to use an existing residence as a Level II recovery house in a residential district. This violates Section 401.2, the R-1 Residential District Permitted Principal Uses and Structures, a recovery house is not a permitted use.

Mr. Herringshaw, would you raise your right hand, please.

(James Herringshaw, of lawful age, was sworn in.)

MR. PILAWA: All right.

Mr. Herringshaw is our zoning inspector.

MR. HERRINGSHAW: I thought I'd give -- because this process started about ten months ago, I thought I'd just give a quick -- and since we also had a continuance in January, I figured I'd just give a quick recap of how we got to where we're at and just some of the -- how it began and how it got to where we are.

It started off on October 9. I had two calls from residents that they heard that the property was purchased by Lake-Geauga Recovery

Center, and that same day I had a visit from Mike Vatty from the fire department. The residents were concerned for other things, but Mike Vatty was concerned if it was also up to code, if they were changing the use. And per that, we did send a letter to the owner and informing them that they would have to get a zoning permit or contact us to see what -- if they were changing the use from what it was, from a single-family dwelling, they would need either a zoning permit or -- we just wanted them to contact us and see.

So in November, early November, Melanie Blasko contacted me and -- after receiving the letter, and I assumed that they might even be a licensed residential facility, which would be permitted in that district and you would just need a zoning permit for a change of use. She did not think that they were that, a licensed residential facility, and that they thought that the property purchased was actually in Chardon, not Munson. And, of course, Munson zoning regulations are different than Chardon's.

On November 8th she then confirmed that -- on November 8th I received an email from Melanie and she confirmed that they were not a licensed

facility, but she also asked if we would check with our legal counsel -- if I would check with our legal counsel, regarding if they were a protected class and if some kind of zoning superceded -- or some law or regulation that superceded zoning, and also for a family, if they were considered a single family under our definition of family, because they didn't really fit that either. And then she said if our legal representative thought that that was our legal opinion, she wanted to know what the steps for going for a use variance would be.

So I then forwarded on that day this email to the prosecutor's office asking that they give us a legal opinion on all of this. It was taking a little while because there was a lot to look into, and Melanie contacted me a couple of times.

On November 21st she contacted me again and said she was going to send a letter out. I'm saying that only because you've got a copy of a letter there that she sent to all the residents, and she was going to have a meeting with all the affected property owners. So she asked our office to send those letters to them so they could come to a meeting on December 12th.

On December 23rd, Melanie called and she

said they wanted to come in. Even though we didn't have an answer yet on what the legal opinion was, she wanted to complete the variance request so they could have it ready so it would be heard, because the deadline for that was the end of the month in December. In January she wanted to be able to be heard, and if she had to have a use variance, or come for a variance, she wanted to have it ready.

We agreed we were going to put her on hold and not process anything until we heard back and got that legal opinion, because if the legal opinion came back and said, oh, there is a law that supersedes that, then they may only need a zoning permit or they don't need anything. I don't know. Whatever their legal opinion was going to be, I was going to follow.

So at the end of day, the legal opinion was that the protected class, while they are a protected class, that doesn't exempt them from zoning and they didn't really fit our definition of family. So, therefore, the use variance went forward, and when we got to the January meeting they got the continuance. So that's how we got to where we're at right now, the use variance.

MR. PILAWA: Is that all?

MR. HERRINGSHAW: Yes.

MR. PILAWA: Anybody on the Board have anything for Mr. Herringshaw? Anybody? Okay.

This is typically how we do it. We hear from the zoning inspector who made the initial decision, and then we hear from the applicant, and then we open it up to the affected property owners. That's the manner in which we'll do it tonight. So Melanie Blasko or --

MR. GILLETTE: If I may --

MR. PILAWA: Yeah. Would you raise your right hand.

MR. GILLETTE: I'm not going to testify. I'm the attorney for Lake-Geauga Centers.

MR. PILAWA: I understand. We swear everybody.

MR. GILLETTE: Okay.

(James Gillette, of lawful age, was duly sworn.)

MR. PILAWA: Would you state your name for the record.

MR. GILLETTE: My name is James Gillette, and I am legal counsel for Lake-Geauga Recovery Centers, Inc.

MR. PILAWA: Address, please.

MR. GILLETTE: 117 South Street in Chardon.

MR. PILAWA: Okay. Good. Thanks.

MR. GILLETTE: Before Ms. Blasko testifies, I'd like to make some comments concerning how we got here and the reason we're here, and rather than speaking to the Board with my back to the audience, I'd like to move over here.

MR. PILAWA: Wherever you're comfortable, that's fine, just as long as everyone can hear you.

MR. GILLETTE: Again, I'm Jim Gillette. I'm the attorney for Lake-Geauga Recovery Centers, Inc., official representatives of Lake-Geauga Recovery Centers attending tonight are Melanie Blasko who is the President and CEO and Van Carson who is the outgoing chair of the Board of Lake-Geauga. Also here this evening are the two ladies who currently reside at 12700 Ravenna Road.

We view the issue as follows: Can five unrelated adult women recovering from alcoholism, drug addiction, or both, who are identified as a protected class under state and federal law, live together at 12700 Ravenna Road, a single-family dwelling located in the R-1 single-family

residential district.

Your R-1 residential district allows several principal uses. Among them are a one family single dwelling — a — one single-family dwelling, a licensed residential facility as defined in Ohio Revised Code Section 5123.19, and also a Type B home, which apparently is a foster care home.

The family is defined as one or more persons related by blood, adoption, guardianship, or marriage, living and cooking together as a single housekeeping unit, exclusive of live-in hired employees. A number of adult employees — or the number of adult persons, not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship, or marriage, shall also be deemed to constitute a family, exclusive of live-in hired employees.

So the definition allows two unrelated adult individuals to reside in a single-family dwelling and they are considered a family.

MR. PILAWA: Mr. Gillette, is your challenge tonight to the decision of the zoning inspector?

MR. GILLETTE: The challenge — we filed a notice of appeal variance request. That's

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the only form that Munson has. So we're appealing his decision that, one, it was determined not to be a single family — that the protected class was not considered to be a single family and, therefore, allowed to live in the house in the R-1 residential district.

And secondly, if five unrelated adult women in recovery are not considered as a family unit, then they're entitled to a reasonable accommodation under state and federal law.

MR. PILAWA: But the only thing before us is a use variance. I don't think this is the proper forum to challenge, and I think the time to challenge, the zoning inspector's decision has long passed. I don't know that personally because I wasn't involved at all in it, but it seems to me that the challenge to the zoning inspector's decision, initially, is a separate matter, separate and apart from the use, and I think you know better than anyone how the authority — look, what we have before us is a use variance.

We don't have any authority to make any determination about what is a family and what isn't a family. The Board of Zoning Appeals just doesn't have that authority. We do have the authority to

act on variances.

It wasn't my intent to interrupt you, but before you got too far down one track, I just wanted to make that clear.

MR. GILLETTE: Well, I gave the members of the Board a memorandum, and one of the things that I addressed was the Board's jurisdiction. And under your zoning resolution, any decisions of the zoning inspector are appealed to the Board of Zoning Appeals.

MR. PILAWA: Within what period of time?

MR. GILLETTE: So --

MR. PILAWA: Within what period of time, though?

MR. GILLETTE: So whether or not it's a variance or whether or not it's some other decision by the zoning inspector, it comes to this body. Now, I have an alternative argument.

MR. PILAWA: Well, here, hold on. Except that's not before us. There is nothing in this application that challenges -- that says that he did it wrong and that we want you to make a determination that, in fact, he did it wrong.

What we have before us is a use variance

request, and as I understand the process — and, honestly, I've only been on this board for 20 years so maybe somebody has more experience with it than me, but that is a separate application, that is a separate appeal than the application for a use variance.

MR. GILLETTE: The only notice of appeal that we have also includes a request for a variance. So as far as the agency is concerned, Lake-Geauga is concerned, we filed an appeal to the zoning inspector's decision. Now, he denied the zoning certificate and he advised Ms. Blasko to file the notice of appeal and request for a variance.

Now, in the alternative, if you determine that it's wrong with jurisdiction and this matter is to consider a use variance, which I don't agree with, but if that's the determination of the Board, then as an alternative you have the authority to grant a use variance by granting an accommodation to the protected class.

MR. PILAWA: I understand your position, I understand your argument, I've read your memorandum. I'm still not convinced that the challenge to the — and I don't speak for the Board, I'm just one of five — I'm still not convinced that

the challenge to the zoning inspector's decision is encompassed within this application for a use variance, and I've been through it multiple times, as you might suspect, nor do I think that this is the forum for that.

But, again, I understand your position and, frankly, I think that — I'm pretty confident that the rest of the Board agrees with me.

MR. GILLETTE: Again, in the alternative, if you believe that the only issue before you is the issue of the use variance, then we also have the argument that we're entitled to a reasonable accommodation because this is a protected class.

MR. PILAWA: We're looking to hear a use variance request.

MR. GILLETTE: So continuing and addressing both our position and your position as considering a use variance in this matter, what is a protected class? Well, a protected class is defined under both federal and state law.

Under the Federal Housing Act, a protected class includes a person or people with a handicap. A handicap is a physical or mental impairment which substantially limits one or more of such person's

major life activities, and working is included as a major life activity, a record of having such an impairment, or being regarded as having such an impairment. It does not include current illegal use of, or addiction to, a controlled substance, and in this matter our protected class is not going to be currently using — or — is not going to be currently using illegal controlled substances.

This class of women has all gone through treatment programs, principle treatment program, and they have been sober for a period of time before they are admitted into the recovery house.

The Fair Housing Act prevents discrimination of the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap. A discrimination includes a refusal to make reasonable accommodations in rules, policies, practices, or services when such accompanying accommodations may be necessary to afford such person or persons an equal opportunity to use and enjoy a dwelling.

Now, this applies to governmental regulations as well as to private individuals, private landlords who rent out their property. And as a matter of fact, the statute then goes on to say

determinations by a state or local government under the discrimination section I just read shall not be conclusive and enforced in proceedings.

The Americans with Disabilities Act also plays a role in this situation. The term disability is nearly identical to the definition of a handicap under the FHA. It includes a physical or mental impairment that substantially limits one or more major life activities of an individual, but it also includes a record of such an impairment or being regarded as having such an impairment.

What does being regarded as having such an impairment mean? If the individual establishes that he or she has been subject to an action prohibited under this chapter because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity, this applies.

So that means if the person is considered to be a recovering alcoholic or a recovering drug addict and that's the reason for the discrimination, then that's not legal under federal law.

Under the ADA, the definition of a disability is to be construed in favor of broad coverage. It also includes persons who are

suffering from a disability that is referred to in the statute as in remission; meaning, if the person was actively suffering from that disability and was not in remission it would substantially limit a major life activity when active. Again, a major life activity includes working.

Finally, under the Ohio Fair Housing Act, a disability means a physical or mental impairment that substantially limits one or more major life activities, and there are a number of them listed here, but it includes working, having a record of physical or mental impairment, or being regarded as having a physical or mental impairment.

A physical or mental impairment under the Ohio law includes drug addiction and alcoholism. It does not mean current illegal use of a controlled substance or current use of alcoholic beverages, and that's not what is proposed for this use.

The premises of 12700 Ravenna Road is going to be available only to five unrelated adult women who are in recovery. If they are using, they are not going to be admitted. If they use after they're admitted, they're going to be terminated from living there.

Again, discrimination under the Ohio law is

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a refusal to make reasonable accommodations in these rules, and it's applicable to any local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations so long as it is reasonable.

The statute then goes on to say that reasonable occupancy standards based on the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit are factors to be considered in what is a reasonable restriction regarding the maximum number of occupants.

In this situation, the Munson zoning resolution limits the number of unrelated adults in a single-family dwelling to two adults, without getting into any of those factors that the statute suggests should be considered in determining a reasonable number of occupants. Also, any restrictions by the government should be interpreted in a manner consistent with the Ohio Federal Housing Act.

So what is recovery housing? Recovery housing is housing that is available pursuant to the Ohio Revised Code to certain individuals, and those are people who are in recovery from drug addiction, alcoholism, or referred to collectively as a

substance abuse disorder. It is not required to be licensed as a residential facility, it is not required to be certified as a recovery support unit under the Ohio Revised Code, and it may not be operated by the local Board of Mental Health and Addiction Services. The statute does require a certain protocol: administrative oversight, quality standards, policies, and procedures.

Finally, the statute shall not limit a resident's duration of stay to an arbitrary or a fixed amount of time, meaning that the resident has the opportunity to stay at the recovery house, to live at the recovery house, as long as they — he or she feels it's necessary so that they can transition back into society.

I think it's important to consider the similar -- permitted similar use of a licensed residential facility in comparison with a Level II recovery house. The Ohio Revised Code dictates whether or not a facility has to be licensed. The Revised Code requires a residential facility to be licensed and specifically states that no license is required for a recovery house.

A licensed residential facility is a permitted use per the zoning resolution for five or

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less developmentally disabled residents. Twelve Meadows Recovery House at 12700 Ravenna Road will provide recovery housing for five unrelated adults in recovery. Both of these are protected classes, yet the zoning resolution discriminates against the protected class of those who would reside in recovery housing. Again, is two unrelated adults a reasonable limitation in today's society? I mean, this would prevent three teachers —

MS. WIELAND: Jim, I'm sorry to interrupt, but truly we are here for a use variance on an R-1 permitted use. I'm Susan Wieland. I'm from the prosecutor's office. I represent Munson Township.

So I want to stay focused on what — I know you're kind of making a comparison between a recovery house and a licensed residential facility and your discrimination argument; however, what's before the BZA tonight is an application for a use variance from one of the R-1 permitted uses. That's what we're here for.

MR. PILAWA: Susan, we appreciate the help. I didn't think I was going to interrupt Mr. Gillette at this point, but he's coming close to a point. If your position is that the resolution is

1 discriminatory on its face, we don't have the
2 authority to decide that. We don't. And what we
3 have before us is a use variance.

4 MR. GILLETTE: What I'm doing is
5 pointing out —

6 MR. PILAWA: Hold on. Nobody on this
7 Board will ever stepped on any applicant who is
8 trying to make their case. I don't think you're
9 trying to make your case for a use variance, which
10 is before us.

11 MR. GILLETTE: Well, as I said, our
12 alternative argument is a reasonable accommodation,
13 and if you have a licensed residential facility that
14 allows five people of a protected class to live in
15 such a facility, then a reasonable accommodation, a
16 use variance, would be necessary to allow the five
17 unrelated adult women in recovery to reside in the
18 property at 12700 Ravenna Road.

19 MR. PILAWA: I heard you say that, and
20 I understand that you're trying to draw that analogy
21 and trying to make that comparison, but I don't
22 think that's what's before us. You're asking us to
23 use an example of another facility in order to
24 bootstrap your way into "This is discriminatory on
25 its face because of the type of facility that's

1 going to be used." That's not what's before us.

2 MR. GILLETTE: It's --

3 MR. PILAWA: First of all, it's not
4 what's before us. It may be your argument that it
5 should be, but it's not, and — go ahead. I'm
6 sorry.

7 MR. GILLETTE: Again, going back to
8 what I stated, if you consider this to be an
9 application for a use variance, then you have to
10 consider a reasonable accommodation to this
11 protected class.

12 MR. PILAWA: That's only if we have
13 already concluded, or some court has concluded for
14 us, that our ordinance is discriminatory on its face
15 because it discriminated against that protected
16 class.

17 MR. GILLETTE: Not necessary.

18 MR. PILAWA: Oh, very much
19 necessarily, and I can tell you that that's for the
20 common pleas court or the court of appeals to
21 decide. We're not going to decide that tonight.
22 We're not going to decide tonight -- there's nothing
23 before us, nor do we have the authority, to
24 determine that this zoning order, this ordinance, is
25 discriminatory on its face.

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1 MR. GILLETTE: I'm not necessarily
2 asking you to do that.

3 MR. PILAWA: Okay.

4 MR. GILLETTE: I'm saying and what I'm
5 suggesting is that under state and federal law you
6 may consider reasonable accommodation as grounds to
7 grant a use variance, and I'm just using a licensed
8 residential facility as an example.

9 Thank you. I don't have anything further.

10 MR. PILAWA: Before you go.

11 Jim, there is a 20-day period of time in
12 which to file an appeal of the decision of the
13 zoning inspector, correct.

14 MR. HERRINGSHAW: 20 days.

15 MR. PILAWA: 20 days. Did anyone come
16 to you?

17 MR. HERRINGSHAW: No.

18 MR. PILAWA: Did anybody make an
19 appeal of the zoning inspector's decision within
20 that 20-day period of time that's set forth in —
21 oh, is it Article 11?

22 MR. GILLETTE: We filed a notice of
23 appeal, request for variance.

24 MR. PILAWA: I understand.

25 MR. GILLETTE: I would argue that by

1 doing so we appealed the zoning inspector's decision
2 and also requested a variance as part of the same
3 appeal process.

4 MR. PILAWA: Yeah, I don't think
5 that's the case. I think they're separate. I think
6 that there is a mechanism set up for the direct
7 appeal of his decision, and his decision alone, that
8 doesn't require an applicant to try to get a
9 variance. Because if he's wrong at the outset,
10 there's no need for a variance, which is why I think
11 it was done that way.

12 MR. GILLETTE: Well, is there a notice
13 of appeal form for a zoning inspector's decision?

14 MR. PILAWA: Well, there's certainly
15 not one set out, but I don't know why anyone
16 couldn't just say "Notice of Appeal of Inspector's
17 Decision."

18 And, I'm sorry, I misspoke, it's 12.2.1,
19 and it says: When affected by the decision of the
20 zoning inspector that such appeals shall be taken
21 within 20 days after the decision of the zoning
22 inspector by filing with the zoning inspector and
23 with the Board of Zoning Appeals, a notice of appeal
24 specifying the grounds of the appeal.

25 It doesn't say a form designated by the

township and a form designated by state law or designated by this book. It only says a notice of appeal.

MR. GILLETTE: My response to that is if the average person is going to come in and file an appeal of the zoning inspector's decision and is provided with a Notice of Appeal Request for Variance form, I think it's reasonable to conclude that that form that's being submitted is an appeal of the zoning inspector's decision and also a request for a variance.

MR. PILAWA: There's no evidence to that effect right now. There's no evidence that -- you weren't going to give evidence to that -- maybe we'll get evidence to that effect before the night is out, but I don't think on the record, as it currently exists -- and the testimony from Mr. Herringshaw is that he did not receive any notice with respect to his original decision -- that his original decision is before this board.

You're left with a variance request, I believe. And I understand the reasonable accommodation -- your position is a reasonable accommodation needs to be made in connection with the use variance request.

MR. GILLETTE: I would ask Mr. Herringshaw a question.

MR. PILAWA: Yeah, go ahead.

MR. GILLETTE: Have you, during your tenure as a zoning inspector, ever received a notice of appeal of a decision that was not a request for a variance?

MR. HERRINGSHAW: I didn't receive one, but the Township did receive one, but it was after the fact, after the 20 days, but they did receive one, yes.

MR. GILLETTE: And when was that?

MR. HERRINGSHAW: A couple months ago. I don't -- I'm not sure of the exact date.

MR. GILLETTE: Was it before or after the request for variance and notice of appeal was filed in this case?

MR. HERRINGSHAW: Are you talking about was it before or after -- say that again.

MR. GILLETTE: Was it before or after the notice of appeal request for variance filed in this case Melanie requested the use variance on December 21st.

MR. HERRINGSHAW: Are you talking was it before or after Melanie requested the use

variance in December?

MR. GILLETTE: Yes.

MR. HERRINGSHAW: I don't know.

MS. FRIEBERTSHAUSER: I'm not sure.

MR. HERRINGSHAW: They don't really come to me. They come to the office and then they go to the Trustees.

MR. GILLETTE: Okay. Thank you.

We'll ask Melanie Blasko to testify.

MR. PILAWA: Sure.

(Melanie Blasko, of lawful age, was duly sworn.)

MR. PILAWA: You need to state your name for the record, spell your last name, and give your business address, if you want.

MS. BLASKO: Melanie Blasko, B-L-A-S-K-O, 9083 Mentor Avenue. I'm the President and CEO of Lake-Geauga Recovery Centers, Incorporated, a 501(c)(3) non-profit corporation.

Lake-Geauga has been providing continuous service to individuals and families with substance use disorders in Lake and Geauga County for 49 years. In using the term substance use disorders, I am referring to those suffering from alcoholism and drug addiction.

The mission statement is to promote

lifelong recovery from addiction, through prevention, education, and treatment, regardless of ability to pay, and to provide an improved quality of life through long-term recovery.

Lake-Geauga offers outpatient treatment services at its Mentor, Painesville, and Chardon offices. Outpatient services include intake, assessment, ambulatory detox, medication-assisted treatment, education, drug and alcohol individual and group counseling, gender-specific groups, dual diagnoses groups, and individual counseling, family groups, grief support groups, aftercare, relapse prevention, intensive outpatient programs, opiate recovery program, drug/alcohol testing, and mental health referrals.

Lake-Geauga operates four long-term, nonmedical residential treatment facilities. Lake House a 16-bed men's residential treatment, and Oak House a 16-bed women's residential treatment program are located in the city of Painesville. The other two residential facilities are Concord Pines, a 16-bed men's facility located in Concord Township; and Nevaeh Ridge, a facility for pregnant women and mothers with children ages five and under located in Mentor.

The treatment facilities described above are all approved and licensed by the State of Ohio and operated in compliance with the standards and certification requirements of the Ohio Department of Mental Health and Addiction Services and the Commission on Accreditation of Rehabilitation Facilities. Compliance with all applicable federal and state regulations and State of Ohio licenses are required for continued operation and financial support by funding sources.

Pursuant to the community-based continuum of care statute enacted in Ohio, each mental health and recovery services board must provide local recovery housing. The Geauga Board of Mental Health and Recovery Services works with Lake-Geauga Recovery Centers to operate recovery housing in Geauga County.

Each recovery house provides a family-living setting for adult men or women who have completed a primary substance abuse treatment program, have been clean and sober for at least 30 days, and are seeking a drug and alcohol free living environment.

A resident must be committed to a path of sobriety and recovery, participate in approved

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recovery programs, obey house rules, and pay rent. Most residents are employed in the community. A recovery house, also called a sober living home, has a house manager trained by Lake-Geauga who monitors activities, offers support, and maintains resident accountability.

In 2020, Lake-Geauga had an operating budget of approximately \$5,759,966. Revenue sources are the Lake County Alcohol, Drug Addiction and Mental Health Services Board, the Geauga County Board of Mental Health and Recovery Services, Medicaid, private insurance, United Way of Lake and Geauga Counties, state grants, and other sources, including donations. 82.5 percent of revenues expended in 2020 were for inpatient and outpatient treatment.

For those recovering from a substance use disorder, sober housing is a critical need upon discharge from treatment. Lake-Geauga has worked closely with local housing agencies for individuals in need of low cost, longer-term individual housing units upon completion of primary treatment. While this has benefitted some, most of the available housing does not provide the structure, support, and alcohol and drug free living environment

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characteristic of a recovery house.

A recovery house promotes long-term recovery, facilitates the individual's transition into the community, and provides a safe and sober environment during the transition.

Lake-Geauga purchased the Ravenna Road property as a recovery house in September of 2019 for \$258,400. The residence is 2,382 square feet, has four bedrooms with adequate closet space, two baths, an open floor plan with combined living area and kitchen, two-car garage, a long driveway which provides ample parking, located in a rural, peaceful setting, all of which make it a functional facility for use as a recovery house. No structural changes have been made or are anticipated. Landscaping was installed.

The recovery house offers a structured environment with support services, predominantly facilitated by peer providers, allowing each resident to transition from a very structured treatment environment to a more independent living situation with limited control and supervision.

Twelve Meadows, which is the name of our recovery house, will accept adult women from Lake and Geauga Counties with substance use disorders who

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have been clean and sober for at least 30 days, are not a danger to themselves or others, and are able to live independently and care for their personal needs. Each resident must participate in an approved 12-step program of their choice and be active in recovery.

Admission requires submitting a complete application, interview by Lake-Geauga intake coordinator, residential treatment manager, or recovery house manager, and at least two references from the 12-step community, faith-based community, or counseling professional.

The qualifications for a house manager are: They must be able to live at the residence, they must be active in a 12-step or other recovery program for a minimum of two years, they must be substance free at all times, familiarity with 12-step programs and recovery terminology and concepts, ability to work as a team member in support of recovery house program for recovering, chemically dependent persons. Experience in residential setting preferred. They must possess a valid driver's license and individual auto insurance.

All newly hired employees at Lake-Geauga

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Recovery Centers must submit to a drug screen and the following background checks prior to employment and annually thereafter: a criminal background check, Office of Inspector General, System for Award Management, sex offender, inmate registry, nurse aide registry, and Department of Developmental Disabilities Abuser Registry. If Ohio residency is less than five years, a background check through the FBI will be completed.

Each house manager hired by Lake-Geauga completes a comprehensive orientation process which includes a review of all Lake-Geauga Center policies and procedures. Each house manager meets with the residential treatment manager and at least one other current Lake-Geauga house manager to review policies and procedures related to their job description, including our Good Neighbor policy, and the review of best practices being used by current house managers to ensure quality, effectiveness, and efficiency in an environment that is safe and healthy for all tenants. The house manager who lives on site will monitor activities.

Conditions of admission and residency include: No use of alcohol or drugs, employment prior to residency or the ability to pay rent,

active participation in a 12-step program, attendance at five or more 12-step meetings or approved faith-based meetings per week, a 12-step sponsor or an established peer support person or network, random drug testing, weekly attendance at house meetings, compliance with outpatient treatment services provided offsite, if needed, assisting with the proper care and maintenance of the recovery house and house chores. The length of residence at the recovery house may not be limited under Revised Code 340.034.

MR. PILAWA: Ms. Blasko.

MS. BLASKO: Yes, sir.

MR. PILAWA: When you — when Lake-Geauga purchased this property, was there a provision in the purchase agreement that it was subject to zoning approval?

MS. BLASKO: No.

MR. PILAWA: There was no condition. Did you work with a realtor?

MS. BLASKO: Yes.

MR. PILAWA: Was there any investigation at all as to zoning?

MS. BLASKO: We have worked with the same relator -- we own and operate six recovery

homes, and we worked with the same realtor on all five of them. When we purchased this one, our realtor was on vacation so we were working with a different realtor. It was our understanding that it was Chardon, the City of Chardon.

MR. PILAWA: And how did you come to that understanding?

MS. BLASKO: The address was Chardon and --

MR. PILAWA: The mailing address was Chardon.

MS. BLASKO: The mailing address was Chardon. And, like I said, we worked with a different realtor.

MR. PILAWA: Now, are any of the other six homes, I think you said --

MS. BLASKO: Total, yes.

MR. PILAWA: — did you have to deal with zoning issues in any of those?

MS. BLASKO: Maybe one or two. I mean, we knew in the City of Chardon we have a men's recovery house that we did, but it really wasn't a zoning issue then because it was determined that they were a protected class, so it didn't require anything special. But their zoning was a little

different in that it allowed five unrelated adults. Our recovery houses have five adults.

MR. PILAWA: But my point is simply -- not even my point. What I'm hearing is you have experience with zoning, knowing that zoning exists and knowing that you have to comply with zoning, and you do?

MS. BLASKO: Yes.

MR. PILAWA: Okay. Thanks.

MS. BLASKO: Let's see. Flexibility in length of stay allows each resident sufficient time to accumulate financial resources and strengthen emotional stability, enabling each woman to establish a permanent, independent, and healthy living arrangement. The average length of stay is nine months; however, many have stayed one year and, at least one, two years.

Lake-Geauga will provide administrative oversight and will ensure a high-quality recovery house. The Revised Code does not require a recovery house to be licensed or certified.

MR. PILAWA: Ms. Blasko, was this property occupied when you bought it?

MS. BLASKO: Yes.

MR. PILAWA: So somebody was living in

1 it?

2 MS. BLASKO: Correct.

3 MR. PILAWA: A single family?

4 MS. BLASKO: Yes.

5 MR. PILAWA: All right. So you know
6 that — I don't know that you know this. But one of
7 the factors we have to consider is whether this
8 property can be reasonably used in an economically
9 viable manner without a variance and it was being
10 used in an economical and viable manner before
11 Lake-Geauga bought it.

12 MS. BLASKO: Was it?

13 MR. PILAWA: It was -- it was a
14 residence.

15 MS. BLASKO: Well, I wouldn't know.
16 How would I know that? I mean --

17 MR. PILAWA: Well, you just told me
18 that somebody lived in it as a single-family
19 residence.

20 MS. BLASKO: Correct, yes.

21 MR. PILAWA: Okay. And is your
22 quarrel with the words "economically viable manner"?
23 I mean, I'm not suggesting that they were paying
24 rent or anything like that, but I'm just saying one
25 of the things we are required to consider is may

1 the — in order for you to get a variance, a use
2 variance, is whether the property can be reasonably
3 in an economically viable manner without a variance.
4 We need to make that determination. Are we going to
5 get evidence of that, that it can't be use in an
6 economically viable manner in the absence of a
7 variance?

8 MS. BLASKO: There would be -- if it
9 were limited to two women and we're -- we rely on
10 the rent for operating expenses, so if we're limited
11 to two rather than five people, then that will
12 affect the ongoing operations of that home.

13 MR. PILAWA: And the two that are
14 there now, they're paying rent?

15 MS. BLASKO: One is paying rent. The
16 other is our house manager and that's part of their
17 arrangement of living there, that they don't pay
18 rent.

19 MR. PILAWA: Okay. I just want you to
20 be aware of the fact that while we appreciate -- and
21 I think I can speak for everybody here -- that we
22 appreciate the work that you do.

23 We are required to address certain legal
24 factors and certain legal requirements, and we're
25 looking for evidence to apply to them, and so far we

1 don't have it. That's all. That's my only point in
2 telling you that, in case you wanted to --

3 MS. BLASKO: Do you want me to
4 continue then or --

5 MR. PILAWA: I mean, sure. But if you
6 wanted to sort of gear your presentation to the use
7 variance that's before us, that'd be great.

8 MS. BLASKO: Okay.

9 MR. GILLETTE: Why don't you just
10 continue with your testimony.

11 MS. BLASKO: From where I left off?

12 MR. GILLETTE: Huh?

13 MS. BLASKO: From where I left off?

14 MR. GILLETTE: Yes.

15 MS. BLASKO: Okay.

16 Currently, five to six recovery houses
17 operated by Lake-Geauga Recovery Centers follow the
18 National Association of Recovery Residence Standards
19 for Recovery Residences and are currently certified
20 by the Ohio Recovery Housing Association. Twelve
21 Meadows was inspected and received certification as
22 a professional organization by the Ohio Recovery
23 Housing Association on February 10th, 2020.

24 The recovery houses are incorporated into
25 Lake-Geauga Recovery Centers' established and

1 approved health and safety plan, risk management
2 plan, quality improvement plan, accessibility plan,
3 and must follow administrative policies and
4 procedures.

5 Clients' rent of \$85 to \$95 per week and
6 the commitment of financial support from the Geauga
7 Mental Health and Recovery Services will meet the
8 annual cost of operating Twelve Meadows.

9 In addition, a portion of Lake-Geauga
10 Recovery Centers' fundraising proceeds and donations
11 will be allocated to Twelve Meadows, if necessary,
12 to offset the general operating expenses.

13 The Geauga County Board of Mental Health
14 and Recovery Services as the county agency directed
15 to provide recovery services in Geauga County
16 submitted a grant to the Ohio Department of Mental
17 Health and Addiction Services on benefit of
18 Lake-Geauga Recovery Centers in the amount of
19 \$334,561. The grant funding is made on a
20 reimbursement basis, 75 percent covered by the Ohio
21 Department of Mental Health and Addiction Services
22 and 25 percent covered by the Geauga County Board of
23 Mental Health and Recovery Services.

24 The application must describe the facility,
25 identify the services to be provided at the recovery

house, if any, the targeted population, describe consumer access to the recovery house, identify other available programs not on site, residents' responsibilities while living in the recovery house, anticipated operating expenses, and assurances of compliance by Lake-Geauga Recovery Centers with the Ohio Department of Mental Health and Addiction Services' grant funding conditions.

When the Ohio Department of Mental Health and Addiction Services has determined that the project and operation at the recovery house comply with the application and assurances, Lake-Geauga Recovery Centers will be reimbursed. If the center does not provide housing for five adult women recovering from substance use disorder, it will not receive the grant funds. Lake-Geauga Recovery Centers cannot support the operation of Twelve Meadows with only two residents. More important is the loss to five recovering women of a solid structured support system to maintain sobriety and to facilitate transition and return to their families.

Lake-Geauga Recovery Centers purchased the property on September 6th, 2019 for use as a single-family residence for five adult women in

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recovery from substance use disorder, a recovery house. We prepared the house for residency by five adult women. We did very minor decorating and significantly improved the landscaping, but no structural changes were made to the house.

A letter from the Munson Township Zoning Inspector James Herringshaw dated October 9th, 2019 and sent to 12700 Ravenna Road was received at the Mentor administrative office on October 28th.

Mr. Herringshaw advised Lake-Geauga Recovery Centers that a zoning certificate may be required if there is a change of use of the house, and, if so, a variance was required.

I called Mr. Herringshaw on November 1st to discuss Lake-Geauga Recovery Centers' use of the property as a residence of five adult women in recovery. He told me to look at the Munson Township zoning resolution and specifically pointed out Ohio Revised Code 5123.19, a licensed residential facility.

Mr. Herringshaw and I exchanged several emails on November 8th. I advised that our residence is not a licensed residential facility under 5123.19, which addresses housing for the developmentally disabled, but is a residence for

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five adult women who are recovering from substance use disorder. The women will share the home with a live-in employee, a house manager. In that email, I advised Mr. Herringshaw that the women in recovery who will live there are a protected class. Five men in recovery were identified as a protected class by the City of Chardon when Lake-Geauga Recovery Centers opened a men's recovery house in the city in 2015. I requested his advice about the next steps to be taken and whether a variance was required.

Mr. Herringshaw responded that afternoon, stating that legal counsel told him that a protected class does not exempt Lake-Geauga Recovery Centers from the zoning requirements and requested a copy of the memo from Jim Gillette to the city in 2015 when he was the City of Chardon Law Director.

On that same afternoon, November 8th, I sent Mr. Gillette's memo and a memo from Richard Constantine, the Painesville Township zoning inspector, who also stated that adults in recovery from substance use disorder are a protected class. Mr. Herringshaw forwarded to legal counsel on November 11th. I also told Mr. Herringshaw that I would file a variance request if that is what he recommended.

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I next spoke to Mr. Herringshaw on November 15th. Lake-Geauga Recovery Centers decided to schedule an informational session for the residents in that area surrounding our house at 12700 Ravenna Road to learn more about Lake-Geauga Recovery Centers and our newest recovery house.

The property owners in the surrounding area were invited to the informational session on December 12th in a letter sent on November 25th, which was held at the office of the Geauga Board of Mental Health and Recovery Services. Four people attended.

On December 23rd I went to the Munson Township zoning inspector's office and filed an application for a zoning certificate. Only the information in the zoning certificate application was provided at that time. I wanted to take the application, review it, and complete it in my office. Mr. Herringshaw advised me that this was unnecessary and insisted that I complete the application at that time. I asked if I could send a letter or a statement to further explain the residence for five recovering women, and he agreed.

The application did not request details concerning the proposed use of the property, other

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than it would be a recovery house. The number of unrelated adults who will reside on the property is not a question to be answered on the application.

Mr. Herringshaw immediately denied the permit. Mr. Herringshaw then instructed me to file a notice of appeal variance request form. Mr. Herringshaw filled in the part of the form that requests the specific regulation from which a variance is sought, stating "Not a permitted use, Level II recovery house." I completed the rest of the form with Mr. Herringshaw's assistance and later submitted a narrative be included as part of the variance request.

MR. PILAWA: Did you have the benefit of counsel during this period of time?

MS. BLASKO: When I first talked to Mr. Herringshaw?

MR. PILAWA: At any time during the time you talked to Mr. Herringshaw.

MS. BLASKO: No.

MR. PILAWA: Did you have counsel at that time?

MS. BLASKO: No, I did not.

MR. PILAWA: Was there anybody on your Board who's a lawyer.

MS. BLASKO: When I first called Mr. Herringshaw, I was surprised by the letter I received and I was trying to find what he was instructing me to do as far as attending meetings here.

MR. PILAWA: Well, do you have any evidence for us, or maybe it's from somebody else, that the hardship is unique to this property, that the hardship that you claim is unique to this property? That's one of the factors we have to consider.

MR. GILLETTE: Maybe I can clarify that for the Board. 12700 is no different than any other residential single-family dwelling in the R-1 residential district. It has no unique topographical factors. It has been used as a single-family dwelling in the past.

MR. PILAWA: Well, Mr. Gillette, you know that we have to take evidence on whether the hardship is unique to this property. That's one of the requirements for a use variance.

MR. GILLETTE: I understand.

MR. PILAWA: And you know that they all have to be met. Unlike an area variance, a use variance -- the use variance, these have to be met.

You also know that we need to take evidence on whether the zoning regulations are depriving the owners of substantial property rights. My guess is the answer to that is no?

MR. GILLETTE: I'm sorry?

MR. PILAWA: Does the zoning regulation itself deprive the owner of a substantial property right? And my guess is the answer to that is no, or are we going to have evidence that there is a substantial property right that's being deprived?

MR. GILLETTE: Let me explain it this way. We believe that there is a property right that would be deprived, but if necessary this property could be sold as a single-family residence.

MR. PILAWA: And the problem with that is that if we grant the variance, as you know, we are granting a property right and it remains with the property forever so that if Ms. Blasko told me today that they were to use this for a period of time and then want to sell it and only sell it to a person who's going to use it as a single-family residence, I would believe her. But I don't know the people she's going to sell it to, and if they want to use it as a halfway house and if they want

to use it as some other residential form they have been given a property right by this Board.

MR. GILLETTE: I agree with that.

MR. PILAWA: And that's why we take use variances very seriously, and that's why they're so hard to get. I don't mean to sound preachy. You know better than I do why the strict requirements for use variances exists.

MR. GILLETTE: I agree the use variance runs with the land, but a use variance may also include additions and restrictions as part of the variance request, so it's not an open field somewhere out on the beach.

MR. PILAWA: I know it's been tried, to put conditions on variances. I don't know how successful that has been.

MR. GILLETTE: Well, if that's the grounds of your variance, the use of the property or the basis for which it is applied, I certainly think they're legally binding on the current owner and those owners in the future.

MR. PILAWA: Maybe that's a discussion for a different day. What I'm talking about is, are we going to receive evidence on the use variance factors that we have to consider? Are we --

MR. GILLETTE: As I just explained, this particular property is no different than any other single-family home in the R-1 residential district. It's been purchased by Lake-Geauga Recovery Centers for a — as -- to be used as a recovery house. You have a permitted use for a licensed residential facility per your zoning code, and if you look at the chart that I gave you, Exhibit 1, you'll see that the two of them are particularly identical in terms of what the requirements of uses are; therefore, a single — a licensed residential facility could be used as a single-family home but is a permitted use, so -- on that basis.

MR. PILAWA: I think we're talking past each other because I view our job and what we're required and authorized to do as very limited, and you look at it as more expansive than I do. But again, this is your case. Go ahead. But we really have an expectation that we're going to be hearing evidence to meet what we're required to consider. Go ahead.

MR. GILLETTE: Thank you. I'm going to ask Ms. Blasko a few questions and have her identify some of these exhibits here.

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Is the premises at 12700 Ravenna Road currently occupied?

MS. BLASKO: Yes.

MR. GILLETTE: And how many people are living there?

MS. BLASKO: Two.

MR. GILLETTE: And they're two unrelated adults?

MS. BLASKO: Yes.

MR. GILLETTE: If that property was used as a recovery house, what would be the consequences if a resident used alcohol, opiates, or illegal drugs while a tenant on the property?

MS. BLASKO: They would be violating the rules, they would be violating the lease agreement, and we would start eviction proceedings. We also would help them get into services again and help them find a place to stay.

MR. GILLETTE: Now, the recovery house statute requires three protocols, specifically administrative oversight, quality standards, and policies and procedures, including rules, house rules, for which the residents agree to adhere. Has Lake-Geauga Recovery Centers adopted protocols for each of these three areas?

MS. BLASKO: Yes. Lake-Geauga Recovery Centers owns and operates 13 different locations across our continuum of care. Twelve Meadows is just one of those 13, and so we incorporate it into all of our administrative policies and operations. That would include, but is not limited to that we are guided by a mission and vision. All locations and programs are incorporated into the established and approved code of regulations, our fiscal management policies, health and safety policies and procedures, risk management plan, our medical emergency plan, quality improvement plan, accessibility plan, client rights and grievance policy, that's for administrative oversight.

MR. GILLETTE: Will the house have a policy regarding visitors?

MS. BLASKO: The current house guidelines, there's a few of them, there's actually four pages of them that they're required to follow, and I'd like to highlight and read a couple. The first one is our Good Neighbor policy. To fulfill the Lake-Geauga Recovery Centers' mission, it is imperative that every client, employee, or volunteer are considerate to neighbors. Any personal conduct

that negatively affects our relationship with the neighbors and the surrounding community, like smoking in prohibited areas, loitering, loud offensive music, rude or offensive language, parking in non-designated areas will not be tolerated. If at any time any issue arises between a resident and a neighbor, the neighbor has to be given the contact information of the house manager.

To move into the house one must be clean and sober for 30 days prior to admission. Use or possession of alcohol or drugs or returning to the property under the influence of alcohol or drugs is not permitted. A violation may result in an official procedure regarding the Ohio Tenant Landlord law. 12-step meetings are required. Curfew is 11:00 p.m. Sunday through Thursday, and 12:00 a.m. Friday through Saturday including holidays. Extended hours of curfew is at the discretion of the house manager.

Guests are not allowed in residents' rooms or on the second floor. They are only allowed in the common areas, living room, and kitchen. All guests must leave by 11:00 p.m. Sunday through Thursday, 12:00 a.m. on Fridays and Saturdays. Residents are not permitted to sit out in vehicles

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1 with guests past curfew. And no overnight guests
2 are allowed.

3 MR. PILAWA: The operation of Twelve
4 Meadows is not at issue.

5 MR. GILLETTE: Excuse me?

6 MR. PILAWA: The operation of this
7 residence is not an issue.

8 MR. GILLETTE: Well, I think you have
9 to be convinced that the recovery house is not going
10 to be a flop house in reference to the variances.

11 MR. PILAWA: I don't think that --

12 MR. GILLETTE: What we're
13 demonstrating is that this is a professional,
14 experienced agency that has been operating drug and
15 alcohol facilities for 49 years. They know what
16 they're doing. And if it is allowed as a recovery
17 house in a neighborhood, there aren't going to be
18 any problems. That's the purpose of the testimony.

19 MR. PILAWA: I figured that you were
20 trying to tell us it was professionally run and was
21 going to be well run. I don't see that as one of
22 the factors that we take evidence on. We're here --
23 I don't know how to say it any other way. Maybe I'm
24 not saying this properly.

25 MR. GILLETTE: Oh, you --

1 MR. PILAWA: The use variance is a
2 very narrow inquiry. There are one, two, three,
3 four, five, six, seven, eight certain factors that
4 we have to take evidence on, and except for me
5 asking questions we haven't gotten evidence on any
6 of them.

7 MR. GILLETTE: Well, as we discussed
8 at the opening of this session, I don't take the
9 narrow view that you do in terms of why we're here.
10 We also feel that this is an appeal of the zoning
11 inspector's decision and, therefore, I think all of
12 the testimony that's been brought up, up to this
13 point, is material and relevant to the zoning
14 inspector's decision, as well as whether or not you
15 grant the use variance.

16 MR. PILAWA: Well, as I've already
17 said, and I think the Board agrees, that we don't
18 view this as being an appeal of the zoning
19 inspector's original decision. We have something
20 before us that's spelled out by your folks. You are
21 telling us what you want us to decide. It's here as
22 a use variance. I see nothing in here, nor have I
23 seen anything in here, that's a challenge to the
24 zoning inspector's original decision.

25 Frankly, you can put your case on however

1 you want to put your case on, but you just can't go
2 on and on and on about things that are simply not
3 going to be considered by this Board.

4 What she just testified to is the operation
5 of the business, the operation of the home. It has
6 nothing to do with any of the factors we have to
7 consider. It just doesn't. It just doesn't.

8 MR. GILLETTE: So you're -- well, I
9 don't want to say it's hearsay; it's her direct
10 testimony.

11 MR. PILAWA: It is her direct
12 testimony. I agree. I heard everything she said
13 and none of it has to do with whether the hardship
14 is unique, may the property be reasonably used in an
15 economically viable manner without a variance? Did
16 the property owner purchase the property with
17 knowledge of the zoning restrictions? None of that
18 applies to any of these.

19 MR. GILLETTE: Well, are you
20 suggesting that we not present any additional
21 testimony?

22 MR. PILAWA: No, I'm asking you to
23 present testimony that we're required to consider in
24 connection with what we have defined to grant the
25 use variance. That's all I'm asking you to do. We

1 just want to hear some testimony that relates to
2 these eight factors.

3 As I said earlier, I don't want people to
4 stand up and say, "oh, this is a good thing," or
5 "Oh, this is a bad thing." That's all we've heard
6 so far, in my humble opinion. That's what we've
7 heard so far. I simply want to get to the use
8 variance.

9 MR. GILLETTE: Well, I think we have
10 gotten to it, and at this point --

11 MR. PILAWA: We'll, if you're
12 satisfied with the state of the record, I'm
13 satisfied with the state of the record.

14 MR. GILLETTE: At this time, I'm not
15 going to ask Ms. Blasko any more questions. I'm
16 going to request the admission of the Exhibits 1
17 through 11 that have been submitted as far as part
18 of the record.

19 MR. PILAWA: Does anybody have a
20 quarrel with that? Have we gotten those in advance?

21 MS. PITCOCK: What is Exhibit 9?

22 MS. BLASKO: Exhibit 9 is a camera
23 that has been installed on a tree that points at our
24 driveway.

25 MS. PITCOCK: And then what is Exhibit

1 10?

2 MS. BLASKO: Exhibit 10 is a picture
3 of the cars that park outside of our house and did
4 so almost daily in the beginning.

5 MS. PITCOCK: Okay. Is that same as
6 Exhibit 11?

7 MS. BLASKO: Yes. The cars parked
8 outside of our house on Waterfowl.

9 MS. PITCOCK: Does anybody else have
10 any questions on the Board?

11 MR. GILLETTE: Following up with what
12 Ms. Pitcock asked you about those photographs,
13 what's the atmosphere been like in the neighborhood
14 between the residents — the surrounding residents
15 and neighbors of the recovery house?

16 MS. BLASKO: I'm glad that we have
17 Rosemary here to speak on that, but I do know that
18 cars sat outside the house on the street in front of
19 the house for days. There were large yellow signs
20 that were put up. I know in the beginning, since it
21 was — the whole area didn't have curtains
22 downstairs and I was informed by the residents
23 they'd been watching TV in the dark because they're
24 so worried that people are always watching them, so
25 we put curtains up. The cameras were installed. It

1 points to our driveway so if anybody comes or goes
2 it will be on camera.

3 I know there was — at one point Rosemary
4 drove down Waterfowl, it was right after she moved
5 in, and anybody new to the area we want to just
6 drive through the neighborhood and somebody stopped
7 her and jumped out of their car and said, "You're
8 not allowed down here." So Rosemary can tell you
9 more about what happened. But it's disturbing what
10 they have to put up with living in the house, living
11 in the home on Ravenna Road.

12 MR. GILLETTE: Thank you.

13 MR. PILAWA: Okay. Anybody else on
14 the Board have anything?

15 All right. I mean, I think at this time we
16 will hear from the property owners. Do you have
17 other evidence, testimony you want to present?

18 MR. GILLETTE: I was going to call Jim
19 Adams from Geauga County Mental Health and Recovery
20 Services.

21 MR. PILAWA: Okay. Is he going to
22 speak to this use variance issue?

23 MR. GILLETTE: He's going to speak to
24 his relationship with Lake-Gauga Recovery Centers
25 and his responsibility under Ohio law for

1 establishing recovery houses in Geauga County.

2 MR. PILAWA: Okay. I'm not exactly
3 hearing you say it relates to these factors, but go
4 ahead and continue.

5 MR. GILLETTE: It won't take long.

6 MR. PILAWA: Okay. Thanks.

7 (Jim Adams was duly sworn.)

8 MR. PILAWA: Will you state your name
9 for the record, spell your last name, and give your
10 address, your business address.

11 MR. ADAMS: James Adams, A-D-A-M-S.
12 The Board's address is at 13244 Ravenna Road.
13 That's in Chardon.

14 MR. GILLETTE: And you're employed by
15 Geauga County Mental Health and Recovery Service.

16 MR. ADAMS: I am.

17 MR. GILLETTE: Your position or title?

18 MR. ADAMS: I am the Chief Executive
19 Officer of the Board.

20 MR. GILLETTE: What are your duties
21 and responsibilities in that position?

22 MR. ADAMS: I have the responsibility
23 for oversight for all the mental health and drug and
24 alcohol prevention and treatment services that are
25 publicly funded in Geauga County, as well as some

1 that are funded in other counties. We also provide
2 for prevention and educational services.

3 MR. GILLETTE: Does your agency
4 provide direct treatment services to individuals
5 with substance abuse disorders who reside in Geauga
6 County?

7 MR. ADAMS: We do not.

8 MR. GILLETTE: And how do you arrange
9 for treatment services to those individuals?

10 MR. ADAMS: Boards across the state
11 were set up to be contract — contract oversight
12 with agencies, usually private nonprofit agencies
13 that provide treatment and prevention services
14 across the state.

15 MR. GILLETTE: Do you have a contract
16 with Lake-Gauga Recovery Centers, Inc.?

17 MR. ADAMS: We do.

18 MR. GILLETTE: You heard Ms. Blasko's
19 testimony about the services that her agency
20 provides. Do you contract with some or all of those
21 services?

22 MR. ADAMS: We do.

23 MR. GILLETTE: Are you familiar with
24 the phrase community-based continuum of care?

25 MR. ADAMS: Yes.

1 MR. GILLETTE: Can you explain that
2 concept, please.

3 MR. ADAMS: So community-based
4 continuum of care represents the concept that
5 treatment alone does not necessarily mean that
6 people will get better, that clinical services need
7 to be supplemented with other things.

8 For example, if a woman needs to have
9 treatment services, she may need to have child care
10 in order to get there. She may need to have
11 transportation in order to get there. So the
12 Continuum of care means that we have to look out for
13 all the needs of individuals that are seeking care.

14 MR. GILLETTE: Now, is a
15 community-based continuum of care incorporated into
16 the Ohio Revised Code?

17 MR. ADAMS: It is.

18 MR. GILLETTE: And is your agency
19 mandated to implement and administer community-based
20 continuum of care programs in Geauga County?

21 MR. ADAMS: We are.

22 MR. GILLETTE: Under the recovery
23 housing statute there are several — excuse me,
24 under the community-based continuum of care statute,
25 there are many essential elements that have to be

1 complied with, correct?

2 MR. ADAMS: Yes.

3 MR. GILLETTE: Is recovery housing one
4 of those?

5 MR. ADAMS: It is.

6 MR. GILLETTE: And does your agency
7 own and operate recovery housing?

8 MR. ADAMS: Only under very specific
9 circumstances, but in general, no.

10 MR. GILLETTE: Are you familiar with
11 the recovery house owned by Lake-Geauga Recovery
12 Centers at 12700 Ravenna Road?

13 MR. ADAMS: I'm just familiar with the
14 fact that it's there.

15 MR. GILLETTE: Did you assist or were
16 you involved in the participation of obtaining a
17 grant for Lake-Geauga Center in order to acquire a
18 recovery house in Geauga County?

19 MR. ADAMS: We were, yeah.

20 MR. GILLETTE: And is that grant
21 required to be submitted by your agency?

22 MR. ADAMS: It is.

23 MR. GILLETTE: And was that done?

24 MR. ADAMS: It was.

25 MR. GILLETTE: Was the grant awarded?

1 MR. ADAMS: It was.

2 MR. GILLETTE: What about future
3 funding? If Lake-Geauga Center wanted future
4 funding for recovery housing, what would be the
5 procedure they would need to follow?

6 MR. ADAMS: So every agency that we
7 contract for has certain requirements and certain
8 levels of care that they must meet as well as
9 quality of care standards that are both state,
10 local, and national. And so Lake-Geauga would
11 continue -- have to continue to meet all of those
12 standards, as well as each agency submits a bid
13 proposal to the Board based on the services we put
14 out in our bid packet for the next — coming year
15 and Lake-Geauga would presumably bid for those
16 services.

17 MR. GILLETTE: Thank you. I don't
18 have anything further.

19 MR. PILAWA: In your efforts to help
20 with the grant, who is involved with those efforts?

21 MR. ADAMS: As in who --

22 MR. PILAWA: Is there anybody in that
23 grant process that said, "Hey, zoning permits this,
24 doesn't it?" If you're going to spend this amount
25 of money on a house, you'd want to make sure you're

1 going to be able to do what you set out to do. So
2 zoning seems to me to be a pretty significant hurdle
3 in a situation like this.

4 MR. ADAMS: So when the grant is
5 written — and these are coming from all over the
6 state, this isn't just from our Board, this grant
7 that's involved, they are not written for a specific
8 property. They are written to serve this many
9 people, if they can be residents of this geographic
10 area, it will serve these types of needs; these are
11 qualifications for persons to be admitted to this
12 service. It is not specific to a particular
13 property most of the time, and it wasn't in this
14 case either.

15 MR. PILAWA: So when you get to that
16 last step, say, "We're about ready to cut a check,"
17 you know, and this is a lot of money, are you sure
18 you're going to go able to spend it the way you said
19 you're going to be able to spend it? There's nobody
20 that looks at that?

21 MR. ADAMS: Well, certainly the State
22 is going to look at how they disburse funds based on
23 how that's done. Those are the States dollars, and
24 the Board doesn't match those dollars until the
25 State dollars come.

1 So, yes, there is kind of a checklist, if
2 you will, in other properties that we have been
3 involved with where the State comes out and makes
4 sure that all the things are in order.

5 MR. PILAWA: Was this one just missed?

6 MR. ADAMS: I'm not involved with the
7 State funding, so I don't know who came out and who
8 did what. I do know that one of the issues they
9 bring up is that this is a protected class, so I
10 think what happens in a lot of cases is that these
11 variances are given, if they are zoning, because
12 they are a protected class because these individuals
13 are disabled, you know, and —

14 MR. PILAWA: I understand that a
15 reasonable accommodation must be made.

16 MR. ADAMS: Yeah, and you're in a
17 legal area beyond my scope.

18 MR. PILAWA: It's generally on the
19 basis of some reasonable accommodation being made?

20 MR. ADAMS: I believe so.

21 MR. PILAWA: Okay. Anybody else have
22 anything for Mr. Adams?

23 MR. GILLETTE: I'd like to just follow
24 up with Ms. Blasko for a moment.

25 MR. PILAWA: Sure.

1 MR. GILLETTE: Have you received the
2 money for the grant?

3 MS. BLASKO: No.

4 MR. GILLETTE: So any expenditures you
5 have to this point for the house have been out of
6 pocket by Lake-Geauga Centers.

7 MS. BLASKO: Correct.

8 MR. GILLETTE: And will Lake-Geauga
9 Centers receive that grant if it's unable to provide
10 housing for five adult women?

11 MS. BLASKO: No, we would not.

12 MR. GILLETTE: Thank you.

13 MR. PILAWA: Anything else?

14 MR. GILLETTE: I don't have any other
15 witnesses, but Patricia Kidd from the Fair Housing
16 Advocates is here.

17 MR. PILAWA: Like the others, this not
18 going to be specific to the use variance?

19 MR. GILLETTE: It is specific to that.

20 MR. PILAWA: Okay. Thank you.

21 MS. KIDD: Patricia Kidd, attorney,
22 Fair Housing Resource Center, 1100 Mentor Avenue,
23 Painesville, Ohio 44077.

24 (Patricia Kidd was duly sworn.)

25 MR. PILAWA: We're assuming you just

1 identified yourself and told the truth when you did
2 that.

3 MS. KIDD: I did. So Fair Housing
4 Research Center -- well, I know we are all tired,
5 our butts are hurting, but really, really, quick.

6 I've been in business for more than 20-plus
7 years. Our office is private enforcement for HUD.
8 They give us a ton of money every year to serve the
9 county. One of the things we have to do is we
10 advocate for discrimination issues, and we enforce,
11 we investigate, and we deal with all the information
12 and policymaking and insurance, basically dealing
13 with communities and the State.

14 This is not my first BZA appeal. The
15 reasonable accommodation request that's being asked
16 for under Fair Housing Act is pretty standard. It's
17 not unusual or unique, and this is not the first
18 time that we have made this request, and they have
19 all been subsequently granted.

20 And I understand your frustration.
21 Basically, you're saying the zoning — the
22 inspector, he did his job. He's like, "Yeah,
23 everything's great." Melanie says, "Hey, can you
24 make sure you're right?" He comes back and he
25 pretty much said, "Yeah, I think I'm right. You're

1 going to have to do something a little bit
2 different. Normally it would be a continual use
3 permit." Melanie says, "Well, if you can't get it
4 under the reason why we're asking to get it, then I
5 guess we'll do a conditional use permit, so we are
6 appealing the zoning inspector's original decision."

7 And then there's a procedural issue on what
8 was supposed to be done here and it was not. And at
9 the end of the day, all of that doesn't matter.
10 That's just to make the clock tick longer and have
11 less time for people to really describe about how
12 they feel, because the issue comes down to you have
13 the Federal Fair Housing Act, you also have the
14 State Fair Housing Act. Both of them say that you
15 have to grant an exception. That's what a
16 reasonable accommodation is.

17 You can have all the laws in the book that
18 you want, but when your laws treat disabled persons
19 differently than nondisabled people, under the Fair
20 Housing Act you have to make a reasonable
21 accommodation. He said, "Oh, well, this doesn't
22 satisfy our definition of family." You can have
23 five related people live there, but five recovering
24 alcoholics or drug addicts cannot. And that's what
25 it is. Your single-family, R-1, five related people

1 can live there, no questions asked. But you take
2 five unrelated recovering alcoholics or drug
3 addicts, members of a protected class, and all of a
4 sudden it's a big issues with all kinds of permits
5 and all kinds of appeals and all kinds of -- you
6 know, what we're here for, a conditional use permit
7 or a --

8 MR. PILAWA: Actually, you have -- the
9 great thing about being a lawyer is that I
10 understand what you're trying to do, and there are
11 other lawyers on this board as well who probably
12 also understand what you're trying to do.

13 MS. KIDD: Yeah, so --

14 MR. PILAWA: Here, let me --

15 MS. KIDD: -- that's our exception,
16 right?

17 MR. PILAWA: Let me finish.

18 MS. KIDD: Well, you didn't let me
19 finish.

20 MR. PILAWA: No, well, that's because
21 I am in the position of judge. I get to do that.

22 MS. KIDD: Uh-huh.

23 MR. PILAWA: So what you're suggesting
24 to us is that we have to do it automatically because
25 it exists.

1 MS. KIDD: Yes.

2 MR. PILAWA: That's not the case. You
3 know that's not the case.

4 MS. KIDD: Well, the law states
5 specifically that "thou shall," and you do know that
6 and --

7 MR. PILAWA: You know, I love being
8 lectured about the law. Why don't you let me finish
9 and I won't interrupt you.

10 MS. KIDD: Promise?

11 MR. PILAWA: What's that?

12 MS. KIDD: Promise?

13 MR. PILAWA: Excuse me?

14 MS. KIDD: Do you promise you won't
15 interrupt me if I let you finish?

16 MR. PILAWA: I'll tell you what, you
17 just go ahead and talk.

18 MS. KIDD: Thank you.

19 MR. PILAWA: You're welcome.

20 MS. KIDD: So the decision -- it comes
21 down to five related people, it's okay to live at
22 the house, no questions asked. But if they're
23 unrelated or you're a person in recovery, a member
24 of a protected class, you can't live there. And in
25 order to live here, you have to go through all these

1 additional jumps and hoops in order to get a
2 conditional use permit or a use variance in order to
3 stay.

4 What ends up happening, even though it's
5 not intentional, unintentionally you're now treating
6 persons of a protected class differently than
7 nondisabled individuals. You have a list that you
8 have to look through. The economic viability, is it
9 going to change the use of the property? Well, five
10 people who are all related having to live in a
11 single-family house, there is not going to be any
12 change here, they're not going to have extra cars,
13 extra driving, extra traffic.

14 There's not going to be anything extra in a
15 household of five recovering women that you're not
16 going to have in a household of five family members.
17 And you say, "Well, you know, we'll have lots of
18 cars. Everybody has different cars." Well, I can
19 say I'm the mother of five kids and we have seven
20 cars in our single-family house.

21 So there is not going to be a change in the
22 use of the house at all. There are going to be
23 economic changes that are unique to this specific
24 property which Melanie has stated and they have
25 substantiated that there are a lot of grants coming.

1 This house was based on a confidential analysis and
2 nonprofit Board operating on five people. So now
3 they're down to two, although one of them has
4 benefits for being a house manager. But instead of
5 getting four, you know, the cost reimbursed so they
6 can stay, they don't get costs reimbursed for one.
7 So now it becomes the issue that this house is cost
8 prohibitive. Nobody that's buying a single-family
9 home thinks about looking to see if it's okay to
10 live in that single-family home.

11 Two, your own application doesn't even
12 request the number of occupants living in the home.
13 It doesn't even request the relation of the number
14 of occupants living in the home. So I can
15 understand that this is a strict standard that
16 you're enforcing, that's great, but you better be
17 knocking on every single-family home occupant's
18 house and demanding that every person that buys a
19 house and moves into Munson Township better prove
20 that they are all related by blood per the rest of
21 the statute, as Mr. Gillette had stated, because if
22 you're not doing that for everybody it is
23 unreasonable for you to do it here because these
24 houses are for recovering women. That's all I have
25 to say.

MR. PILAWA: Are you done?

MS. KIDD: I am.

MR. PILAWA: Anybody have any questions for this person?

Do you have anything else?

MR. GILLETTE: I have nothing further.

MS. SCRIBBEN: May I speak?

MR. GILLETTE: Did you want to make a statement?

MS. SCRIBBEN: Yeah.

(Rosemary Scribben, of lawful age, was duly sworn.)

MR. GILLETTE: Are you here in support for — as part of their case?

MS. SCRIBBEN: Yes. I'm the house manager.

MR. PILAWA: Okay. Would you state your name for the record, please, spell your last name, and give your address.

MS. SCRIBBEN: Rosemary Scribben, S-C-R-I-B-B-E-N. My address is 12700 Ravenna Road, Chardon, Ohio 44024.

MR. PILAWA: And what would you like to say?

MS. SCRIBBEN: I would just like to

say that I've been living at the house. I moved into the house in February. I'm a registered nurse and my -- I'm not going to go into my whole history here. But I started drinking when I turned 50 after being diagnosed with Stage III cancer and my kids were gone. My disease progressed and it progressed and it progressed to the point where I couldn't work anymore.

I was in and out of the program and my addiction was — my thinking was so messed up that nothing would stop me, no matter how sick I got. The bottom line was, I got taken to the hospital in an ambulance in February 2017 and my liver was shutting down. My kids sent an ambulance over.

And, of course, when you're dealing with an active alcoholic your family gets very upset with you. Your family doesn't want to be — they don't really — they're giving you support, but they're so upset and so angry with you they don't quite know what to do. So my family didn't let me down, thank goodness, or I would have died in my home.

The reason why I'm telling you this is I went to the hospital, they called in hospice. I went to a nursing home, I was there for six weeks. My liver was completely shutting down. I was about

40 pounds heavier with water, and they told me that I wasn't going to live. And they wouldn't give a liver to an alcoholic, of course, who was actively drinking.

So in my mind, I never thought that I was going to die because I didn't believe it had come to this. But as I said, I was in rehab, then I went two weeks to Glenbeigh, which I worked at Glenbeigh for 22 years as a detox nurse and I'm a mental health nurse, and here it is, the disease took me. It got ahold of me and it took me fast.

So from Glenbeigh they sent me to the Oak House. I've been at the Oak House one other time, six years ago. I went to the Oak House. I had no money, I wasn't working, and they let me in by grants or however they did that. They let me in and they allowed me to stay four months. Three months is the longest you — usually it's the average of what you stay. But I was allowed to stay four months because there was a new house opening up in Mentor called Eighty-Forty-One. And so I went to that house in August. I stayed there over a year, a year and a half longer. If I hadn't have had that, I would still be -- I was a closet drinker. I didn't drink at the bars. I went home and I drank.

That's what I did. I was happy drinking at home.

So if I didn't have this opportunity — I lost my home, I lost my car, I lost my cell phone. I'm an RN. I lost all these things. So my family couldn't — could not go back to my home, had to sell it, and so ended up — and things just kept falling into place. So they were going to open this house, and they asked me to interview and I got the house manager position.

And the thing I want to say is I know that we're talking about the use variance, but I also feel that living at the home there is some discrimination against us. And I did look at the signs that are all around our house "Say No to Munson," and there's stories on there about houses where, I don't know, somebody said their nephew was at a house, flop house, and the dope man was coming to the door and all that kind of stuff. So I get the impression that it's not so much even about granting the variance. You just don't want us there. You just don't want recovering people in your neighborhood. And we have been harassed since we have been there to the point — Carly and I will not watch TV downstairs at night.

I have license plate numbers. I have all

1 kinds of things that have happened to us, cars
2 parking out in the road almost five, six minutes
3 staring at me. I had a lady tell me that they had a
4 Neighborhood Watch. The signs — and the other
5 thing is we have anonymity, okay, and it's — Carly
6 and I have never had any legal problems, thank
7 goodness. I still have my license. But we are
8 protected, okay, with our program, the anonymity.
9 And the fact that the address is on those signs, I
10 can't tell you, 50, 60 cars turning in our driveway,
11 looking at the house. They want to see, like, who's
12 living at the house. And it's been disheartening.

13 So the bottom line is, I don't think this
14 whole thing is about a variance or anything. The
15 bottom line is you just don't want us here. And all
16 I want to say is, if it wouldn't be for places like
17 this I wouldn't be alive. I was on a liver
18 transplant list and I beat it.

19 So that's all I want to say. Thank you.

20 MR. PILAWA: Anybody on the Board have
21 anything to ask?

22 Mr. Gillette, is there anything else?

23 MR. GILLETTE: I believe that we have
24 concluded our testimony.

25 MR. PILAWA: All right. There were 27

1 affected property owners notified. Is there anybody
2 that would like to speak?

3 Would you mind if I do the fire chief
4 first? I'm getting notified by the fire chief here
5 that he has something to say.

6 (Michael Vatty, of lawful age, was duly
7 sworn.)

8 MR. PILAWA: State your name for the
9 record, spell your last name, and give your business
10 address, please.

11 Mr. VATTY: My first name is Michael
12 Vatty, V, as in Victor, A-T-T-Y. I am the fire
13 chief of the Munson Fire Department, Incorporated.
14 I also reside at 12170 Country Oaks. I am also a
15 resident of Munson Township.

16 I have a prepared statement for the BZA.
17 First, I must begin by stating that no one from
18 Munson Fire Department to date has received any
19 formal business plan nor a description of the actual
20 use of 12700 Ravenna Road. That's stated and based
21 on what we are aware of, in line with our mission
22 statement. We find it difficult to offer any
23 support to your granting of this variance.

24 In addition, if you hope to grant this
25 variance to Lake-Geauga Recovery Center, it should

1 then be required to apply for a new certificate of
2 occupancy with Geauga County asking for a change of
3 use. The new certificate of occupancy will be
4 reclassified based on the new use and the number of
5 occupants. Then based on this new building class,
6 the 2017 Ohio Fire Code applies.

7 The maximum occupancy allowed by the Class
8 will also apply and be so ordered according to us
9 and Munson Fire Department. To predict without
10 knowing what will happen, I can only interpret what
11 I believe the classification to be. According to
12 the Ohio Building Code, it would be classified an
13 R-4 for this to be used as a variation, basically as
14 a group home.

15 Please understand, I'm not a building
16 inspector; however, I can offer an example of a
17 similar Munson business zoned appropriately. It
18 began as a building previously used as a mercantile
19 business at — which required an architect to design
20 the changes to meet the Geauga County Building
21 Department requirements to receive the appropriate
22 certificates as an adult daycare. The results
23 determined that a fire detection system was needed,
24 monitored per NFPA seventy-four, and exit doors had
25 to be double doors to include panic hardware. This

1 is a requirement for the occupancy and the
2 classification of use for the Ohio Fire Department.
3 Codes are required minimums to protect those at
4 risk.

5 Munson Fire Department is only contracted
6 to inspect and report. Because we are a township,
7 the enforcement falls to the Munson Zoning and the
8 Geauga County Building Department, not our fire
9 department. We, the Munson Fire Department,
10 Incorporated, are contracted to provide fire and EMS
11 services to every taxpaying resident and business in
12 Munson Township and have no enforcement of the
13 building code.

14 Munson Fire doesn't inspect residential
15 properties, only commercial. If the intended
16 occupancy of 12700 Ravenna is less than four, the
17 residential code applies. Munson Fire Department
18 cannot inspect residential dwellings. If
19 Lake-Geauga Recovery Centers has over five residents
20 living there, then we are required to inspect and
21 have jurisdiction to inspect.

22 Lake-Geauga Recovery Centers will have to
23 apply for a certificate of occupancy from Geauga
24 County, and that's the building department. The
25 change of use will require construction to be

brought up to meet 2017 fire code requirements. We are also concerned about your vote because of the inability of our being able to enforce any fire safety violations which ultimately can impact the safety of our residents and our community.

As a reference, a sober living group home with transient residents has presented new challenges to other states, but specifically in New Hampshire. Their local fire department learned how difficult servicing this type of home is. For those interested, they have a podcast at <https://www.cfitrainer.net/Training/Podcast.aspx>. This was recorded in March of 2020. The podcast addresses the code requirements for sober, boarding, and group homes, lack of communication and lack of cooperation to comply with the applicable codes, trying to slip through the cracks and not be directed. There is a 12-minute voice recording that speaks to the concerns Munson Fire Department has in introducing a variance which is contrary to current zoning.

Lastly, I want to make clear Munson Fire Department was contracted and paid for by residents and monies collected through their property taxes. We are concerned that Lake-Geauga Recovery Centers

will, like their property in Chardon, Ohio, 114 North Street, apply for property tax exemption as did the Chardon property. If the Geauga County Auditor's Office grants the exemption, the Munson Township residents will have to bear the financial burden for their fire and service costs while Munson Fire Department attempts to recover transport costs based on transient residents.

Munson Fire depends on the EMS billing to supplement operational costs through revenue billed for ambulance transports, which reduces tax dollars required for providing services. Munson residents are soft billed, while nonresidents are hard billed, and the transient residents living at 12700 will pay a classification billed as non-residents, placing another burden on Munson taxpayers.

If this variance is granted, we would ask if Lake-Geauga Recovery is willing to pay for each staff or resident transport call and collect from their residents our services provided. Our collection recovery is costly and difficult for nonresidents.

MR. PILAWA: Thank you. Anybody on the Board have anything? Anything for the fire chief?

MR. GILLETTE: Chief Vatty, you referred to this business as an adult care facility?

MR. VATTY: Adult daycare.

MR. GILLETTE: Adult daycare. How many folks are cared for at that facility?

MR. VATTY: At that one, I believe it's 12.

MR. GILLETTE: 12?

MR. VATTY: A max of 12.

MR. GILLETTE: Is it required to be licensed by the State, if you know?

MR. VATTY: I believe so.

MR. GILLETTE: Okay. Then you state that if Lake-Geauga Recovery Centers has over five residents living there that you're required to inspect; is that correct?

MR. VATTY: Correct.

MR. GILLETTE: Does that requirement involve any single-family residents where there are five or more residents living there?

MR. VATTY: That -- in fire -- no.

MR. GILLETTE: Thank you.

MR. VATTY: I would like to present to the BZA just some correspondence here to the Ohio Basic Building Code and also the fire codes.

MR. PILAWA: Okay. We'll accept that. Thank you.

MS. SCRIBBEN: Can I ask a question?

MR. PILAWA: Yeah, sure, you can ask a question.

MS. SCRIBBEN: I was just wondering if we have a fire at the house and need to be taken out by ambulance, wouldn't our insurances cover that?

MR. VATTY: Insurance would.

MS. SCRIBBEN: Yeah.

MR. VATTY: If you don't have insurance, it comes back around and it's billed -- MS. SCRIBBEN: Right. I have insurance.

MR. VATTY: -- appropriately.

MR. PILAWA: I think there was somebody who wanted to go first?

(Sarah Fetheroff, of lawful age, was duly sworn.)

MR. PILAWA: Okay. State your name for the record, spell your last name, and give our address, please.

MS. FETHEROFF: Sarah Fetheroff, and it's F, as in Frank, E-T-H-E-R-O-F-F, as in Frank,

address 12335 Waterfowl Lane. I'm a resident of Munson Township. I just gave you my address. I make this statement solely in my capacity as a resident and property owner in Munson Township for the past 21 years. Variance appeal number 20-02 must be denied by the board of zoning appeals.

Use of the structure located at 12700 Ravenna Road should be limited to it's former residential use. It's further expansion of Munson which is not residential and should be denied. Such a denial does not constitute an unnecessary hardship to Lake-Geauga Recovery Centers. The property is a century home located in a residential R-1 district. The hardship is unique to the property because LGRC did not do its due diligence in researching the building laws prior to purchasing the property.

The property is located in a residential area. The residents and families driving to work, going to required meetings, with five residents plus the house manager coming and going will drastically increase the traffic congestion on Waterfowl Lane at the entrance from Route 44. And this is already a very, very difficult busy intersection coming and going.

The zoning regulation does not deprive LGRC

of a substantial property right because LGRC purchased the property without researching the zoning laws. Ms. Blasko and I had a conversation. We used to be neighbors in Concord, so we chatted back and forth a little bit, and we had a conversation back in 2019, November of 2019. She confirmed that she thought the house was in Chardon because all the correspondence had a Chardon ZIP code. And I was like, Melanie, "You live in Concord Township, that's a Painesville mailing address." Same difference: Munson Township, Chardon. Concord Township, Painesville. LGRC has purchased multiple properties, so I really find it incredulous that Ms. Blasko didn't know that it was in Munson Township.

The property absolutely can be used in an economically viable manner without the variance. It can be sold to a family, LGRC can recoup their money and learn a valuable lesson to purchase properties in properly zoned areas. The proposed use of 12700 Ravenna Road does not compare to adjacent or nearby property uses. Zoning is a process by which the municipality is divided into regions, such as residential, industrial, agricultural, commercial, or business use. As such, certain land uses are

permitted, or not, based on the zone.

Waterfowl Lane was established in 1998 as a residential street in a residential area zoned R-1. Adjacent and nearby residential property owners have abided by zoning laws in growing the investment we've made in our homes and properties. We pay state, federal, and local taxes. We fund the safety forces, roads, and schools. LGRC is a tax-exempt business and will do nothing to support our township roads, safety forces, or schools.

We did not purchase our homes in an agriculturally zone area. We did not purchase our homes in an industrial zoned area. We did not purchase our homes in a commercially zoned area. And we certainly did not purchase our homes in a business district. Residentially zoned areas ensure that nearby properties are residential, not business, and are used compatibly with neighboring properties. This provides predictability and stability to these neighborhoods and decreases the risk of declining property values.

We purchased our home on Waterfowl Lane 21 years ago to raise or daughters. We never dreamed that the home at the entrance to our street could possibly be granted a variance to allow any business

to operate. I don't care if it would be a flower shop or a tattoo parlor. Business is business. Paying rent, getting income constitutes business, not residence.

We have formed a very close knit group of neighbors over this issue and we are committed that the residence at 12700 Ravenna Road be returned to just that, a residence. The Munson Township Board must rule against granting the variance. Now, we were told it would be on record what our requests are. If it does go through, I want to be on record to say that if it remains, there will be no signage on the property relevant to that business, and privacy fencing must be erected on both sides of the property and meet adjacent neighbors' approval before being erected. Thank you.

MR. PILAWA: Thank you. Anybody else?

Hold on.

I'm sorry, you wanted to say something?

MR. GILLETTE: I have a couple of questions.

MR. PILAWA: Sure.

MR. GILLETTE: When you mentioned traffic congestion, I had a difficult time hearing you.

1 MS. FETHEROFF: Yeah. Traffic —
 2 MR. GILLETTE: Traffic congestion?
 3 MS. FETHEROFF: Coming and leaving
 4 Waterfowl Lane.
 5 MR. GILLETTE: But doesn't the traffic
 6 from the house on Ravenna Road exit onto Waterfowl
 7 and then go directly to Ravenna Road.
 8 MS. FETHEROFF: That's the point,
 9 exactly, more congestion.
 10 MR. GILLETTE: But there wouldn't be
 11 any additional traffic on the balance of Waterfowl
 12 Lane.
 13 MS. FETHEROFF: It's right at the
 14 intersection. It's a very short distance from
 15 Route 44 to the driveway. Sometimes I have to wait
 16 five minutes to get out on 44. It's a very busy —
 17 it's a State Route, as you well know.
 18 MR. GILLETTE: So you think five or
 19 six people living there would contribute
 20 significantly to the traffic congestion in addition
 21 to all the people who live on Waterfowl Lane?
 22 MS. FETHEROFF: There are 15 houses.
 23 MR. GILLETTE: How many?
 24 MS. FETHEROFF: 15 houses on Waterfowl
 25 Lane.

1 MR. GILLETTE: Okay.
 2 MS. FETHEROFF: And each house
 3 probably has two or three cars. So, yeah, I do.
 4 MR. GILLETTE: Okay. What's the value
 5 of your house, the approximate value of your house?
 6 MS. FETHEROFF: Is that relevant?
 7 MR. GILLETTE: Yes.
 8 MR. PILAWA: Well, why is that
 9 relevant?
 10 MS. FETHEROFF: Why is that —
 11 MR. PILAWA: Why do you ask that?
 12 MS. FETHEROFF: Why does that matter.
 13 We're not talking about the use of my house.
 14 MR. GILLETTE: The issue is she's
 15 talked about the property values —
 16 MR. PILAWA: Okay.
 17 MR. GILLETTE: -- so I'd like to know
 18 what the value of her house is to follow up.
 19 MS. FETHEROFF: What I said was that
 20 zoning rules and regulations help to — a
 21 residential area helps to prevent the declining
 22 property values because it is residential.
 23 MR. GILLETTE: Okay.
 24 MS. FETHEROFF: So that's what I said.
 25 MR. GILLETTE: So let's forget the

1 value --
 2 MS. FETHEROFF: You can look it up.
 3 MR. GILLETTE: -- of your house. I'll
 4 withdraw that.
 5 When did you learn this was going to be a
 6 recovery house?
 7 MS. FETHEROFF: I learned back -- I
 8 think from Joe. I think that was probably —
 9 MR. ZUCCARO: After it sold.
 10 MS. FETHEROFF: — October, yeah,
 11 after it sold. It was all done indiscretely,
 12 nondisclosure agreements, nobody could -- we
 13 couldn't find out until it was --
 14 MR. GILLETTE: So it was October of
 15 2019 that you learned that this was going to be used
 16 as a recovery house, correct?
 17 MS. FETHEROFF: Yes.
 18 MR. GILLETTE: Have you had an
 19 appraisal of your property since that time?
 20 MS. FETHEROFF: We actually had an
 21 offer for our house.
 22 MR. GILLETTE: Have you had it
 23 appraised either by a bank or a professional
 24 appraiser? Yes or no?
 25 (Miscellaneous conversations were had with

1 multiple speakers.)
 2 MR. PILAWA: Hold on. Just stop.
 3 It's going to take all night long. Just let him ask
 4 questions. He's entitled to ask questions. That's
 5 just the way it's going to go.
 6 MS. FETHEROFF: No.
 7 MR. GILLETTE: Thank you. I don't
 8 have anything further.
 9 MR. PILAWA: Is there anybody else
 10 that would like to speak?
 11 MR. BUSHIK: I do.
 12 MR. PILAWA: Who is -- who's yelling?
 13 MR. BUSHIK: When the first lady said
 14 she --
 15 MR. PILAWA: Can I swear you in first?
 16 MR. BUSHIK: No, no, no.
 17 MR. PILAWA: You don't want to
 18 testify? You don't want to say anything under oath?
 19 Then we don't -- we are not going to consider what
 20 you say. Oh, I guess he is going to be sworn in.
 21 (Edward Bushik, of lawful age, was duly
 22 sworn.)
 23 MR. PILAWA: Would you state your name
 24 for the record, spell your last name, and give your
 25 address, please.

MR. BUSHIK: B, as in bravo,
B-U-S-H-I-K, first name Edward, of Bradford, Munson
Township. Anything else?

MR. PILAWA: No. We haven't said
anything.

MR. BUSHIK: The lady that was
speaking before, before she moved here there were
cows there. What happened to those? It was, what
do you call it, agricultural at one time. This
whole world was.

Number two, we have approximately — we did
have about 50 people here. Take a vote. People
that want to get rid of the people, raise their
hands. The ones that aren't bigots, in my opinion;
the other side. Simple as that. You know, she's —
she's out there planning a good life.

MR. PILAWA: Now we're asking about —

MR. BUSHIK: Now she's keeping other
people —

MR. PILAWA: You have to stop. Just
stop. When I was suggesting earlier that we should
limit it to the use variance, you're exactly who I
was thinking of. You need to sit down now. We've
heard from you. We know what you have to say.

MR. BUSHIK: First of all, before I

go, would Jesus do this? I'm not very religious.

MR. PILAWA: Well, thank you.

MR. BUSHIK: Stand up?

MR. PILAWA: Okay. Bye-bye. Okay.
All right. Well, thank you.

MR. BUSHIK: I'm waiting for her to
stand up.

MR. PILAWA: And we're waiting for you
to sit down.

MR. BUSHIK: I'm down. Let's hear --
have the witness people stand up.

MR. PILAWA: Ma'am, you wanted to
speak?

MS. SEREDICH: I'd like to start
off --

MR. PILAWA: I need to swear you in.
(Kim Seredich, of lawful age, was duly
sworn.)

MR. PILAWA: Will you state your name
for the record, spell your last name, and give your
address.

MS. SEREDICH: Kim Seredich,
S-E-R-E-D-I-C-H. We're at 12250 Waterfowl Lane.

MR. PILAWA: Okay.

MS. SEREDICH: First, I want to start

off by saying that when Melanie said she didn't know
this was in Munson, the MLS printout says Munson.
Also, your legal description said Munson Township;
therefore, you have to know what you're signing or
it's buyer beware.

I'd like to address justification for a use
variance. A, is the hardship unique to the
property? No. Is it a commercial business trying
to operate in a residential location. This will
affect the surrounding neighbors.

B, does the zoning regulations deprive the
owner of substantial property rights? No. The
owner can use it as a residential location by
limiting the occupants for a residential zone that
are in compliance.

C, can the property be used in an
economically viable manner without a variance? Yes.
The property can be rented to interested parties
involved in the corporation as long as it goes along
with the two-person resident limit of not being
related.

D, the proposed use is opposite of the
current use and will affect nearby property owners'
health, safety, and morals.

E, is the hardship self-induced? Yes. The

need for the variance, the lack of preparedness, and
investigation to find appropriate locations, which
they have purchased over many years, such a business
is expected to be well planned and investigated.
That's something this company knew.

F, are the zoning regulations protecting
the health, safety, and morals? The current zoning
regulations strictly protect the health, safety, and
morals of the residential property owners from
commercial activities and potential disruption of
services.

G, will the adjoining properties be harmed?
With the introduction of a commercial transient
group of occupants, over time there is a potential
likely impact to the surrounding local socioeconomic
dynamics.

H, did the property owners purchase the
property with knowledge of the zoning restrictions?
This is a moot point. It was very important this
was done through a relator with commercial use. And
every buyer goes through the title company where
they adhere to the laws; however, this purchaser is
seasoned and should be informed with a buyer beware
attitude only. It matters not that the buyer's
making claims of ignorance of regulations and

1 zoning. Ignorance is no excuse.

2 LGRC knew what they were purchasing;
3 therefore, the purchase agreement was not presented
4 to the seller until a nondisclosure and
5 confidentiality was signed.

6 MR. PILAWA: Okay. Thank you. Anyone
7 else want to speak?

8 Yes, sir, in the blue shirt here.

9 By the way, for what it's worth, I had a
10 request to take a short break at 9:00. Do you think
11 you can get it done in five minutes?

12 MR. TRZASKA: Oh, yeah.

13 MR. PILAWA: Okay, great. See, I
14 already handled it.

15 (Jim Trzaska, of lawful age, was duly
16 sworn.)

17 MR. PILAWA: You know what we're
18 looking for. Go ahead and --

19 MR. TRZASKA: Jimmy Trzaska,
20 T-R-Z-A-S-K-A, 12750 Bass Lake Road. I had a real
21 long speech here, but Sarah said it so much better
22 than I could that I just have to agree with her.

23 Thank you.

24 MR. PILAWA: Thank you. All right.
25 We're going to take a break at 9:00. Anybody else

1 who wants to speak next? There, in the green
2 checked shirt back there.

3 (Bob Zeperly [phonetic], of lawful age, was
4 duly sworn.)

5 MR. PILAWA: Can you tell us your
6 name.

7 BOB: My name is Bob Zeperly
8 [phonetic]. I am not a resident of the community,
9 but I live in Madison, Ohio.

10 MR. PILAWA: I'm even having trouble
11 with the microphone. Is there any chance you can
12 speak up?

13 BOB: Yes. Well, my daughter will be
14 visiting our friends that live adjacent to the
15 property, so I do feel like this is affecting me so
16 I would just want to voice my opinion about it.
17 It's my opinion. It doesn't have to do with the
18 variance, but I think they had ample time to give
19 their opinions that didn't have to do with the
20 variance.

21 So anyway, I am a recovering drug addict.
22 I was a heroin user. I was in over ten different
23 rehabs. I actually went to Lake-Geauga three or
24 four times. I've been in halfway houses. And my
25 main concern about the whole thing is that they're

1 only required to have 30 days of sobriety to have
2 the freedom of living in the halfway house.

3 Now, when I lived in halfway houses it
4 wasn't run by Lake-Geauga, but I -- there's -- as
5 addicts, you do whatever your mind tells you to do
6 what you need. 30 days is not long enough to create
7 a new lifestyle, a new way of thinking that's not in
8 an addictive way.

9 I was able to sneak out at 2:00 in the
10 morning when the supervisor had gone to sleep.
11 People would pick me up. I got -- there were
12 several guys. When I wasn't in a halfway house, I'd
13 relapse, and they lived in the Lake House in
14 Painesville. So my main concern is that 30 days is
15 just not long enough to give the freedom to
16 recovering addicts.

17 I commend them for what they're doing. It
18 took me many years. It took me over 15 months of
19 being inpatient rehab to get sober. And I was able
20 to find sobriety from Jesus and he's the one that
21 set me free from the addiction. I'm not saying that
22 that's the only way. 12 steps are great, whatever
23 the plan may be.

24 I'm just saying that 30 days of sobriety is
25 not enough time to give freedom to people that have

1 to make the right choices, and I'm just concerned
2 that there is a great chance that it can affect my
3 friends, and also my daughter that goes over there
4 that spends time, you know, in various ways. I
5 mean, they could lose a needle, or pills, or leave
6 their alcohol in the driveway, and my daughter
7 strolls in and picks that up. There is just a --
8 it's really a very scary spot, I think, and I don't
9 think that any of the community homeowners who
10 bought houses -- they just purchased this about a
11 year ago -- they didn't sign up for that.

12 They can't even -- the ladies can't even
13 walk to a meeting if they feel like they need it.
14 At least the Oak House and the Lake House there's
15 ample meetings that they can just walk to. I just
16 don't feel like this neighborhood is correct and
17 suitable for that halfway house. Thank you. That's
18 all I have.

19 MS. NELSON: Can I say something?

20 MR. PILAWA: In response to what he
21 just said?

22 MS. NELSON: Yeah.

23 MR. PILAWA: All right. Let me swear
24 you in.

25 (Carly Nelson, of lawful age, was duly

sworn.)

MR. PILAWA: All right. Can you state your name, please.

MS. NELSON: Carly N-E-L-S-O-N, Nelson. I live at 12700 Ravenna Road. I am currently a tenant there, and before going there I was in Oak House for three months, and I've been sober for almost a year in September, the 16th.

BOB: I took her --

MR. PILAWA: Well, here, just let her talk.

MS. NELSON: I just wanted to say -- I just wanted to say I understand where you're coming from, but I feel like people that really want sobriety, I offered to -- that was -- when I went to Oak House, I asked if there was something that was there for me, after I got out, that would give me structure to keep me safe, and that was Lake-Geauga Recovery Center, that was the Chardon house. I grew up in Lake County. I didn't want to go back to what I was familiar to. I wanted something different. I wanted a fresh start. I wanted to live again, so that was my option and that's what I took, and it saved my life.

So I understand peoples' concerns. I

completely understand because, honestly, a year ago I would have been like "You guys are crazy," but now going through what I've been through, I understand what beauty can really come out of recovery centers, what comes out of halfway houses. Ultimately, you can't control what people do. You know, if they relapse, then that's on them. I understand your concerns about that.

But I'll tell you right now, it's just me and her. And I go to meetings almost every day. I've probably skipped out on one meeting. I literally work me -- I work every day and then I go to meetings. I do what I'm supposed to do.

BOB: That's --

MS. NELSON: And so for me that's -- I know you want to speak. But for me, that's -- I'm just kind of like I don't understand what -- I know what the issue is, but I just wanted to -- that's all I wanted to say.

MR. PILAWA: Folks, look. Again, that's getting off the issues related to the use variance.

BOB: You know that relapses can occur, I understand, and --

MR. PILAWA: Great.

BOB: -- statistics show more people are going to relapse in that house than they are going to stay sober.

MR. PILAWA: All right. We're to take a five-minute -- well, we're going to come back at 9:10.

(Thereupon, a recess was had.)

MR. PILAWA: Okay. We're back. Go ahead.

MS. BLASKO: I just wanted to comment on the fact that the gentleman that was referring to 30 days of sobriety was non-sufficient. When we originally set up the recovery house, it was 90 days and it was the State's requirement that we change it to 30 days. Our literature says 30, but I think we've never had anybody at the recovery house that have not been sober at least 90 days. I just wanted to clarify that.

MR. CAMPANY: Can I ask her a question?

MR. PILAWA: Go ahead, sure. Can I -- have you been sworn in yet?

MR. CAMPANY: I have not been sworn in

yet.

(Kevin Campany, of lawful age, was duly sworn.)

MR. PILAWA: Go ahead and tell us your name.

MR. CAMPANY: Kevin Campany. I live at 12245 Waterfowl.

MR. PILAWA: Can you spell your last name for the court reporter, please.

MR. CAMPANY: C-A-M-P-A-N-Y.

MR. PILAWA: Go ahead.

MR. CAMPANY: I just have a few related questions.

So as the responsible party for a \$5,000,000 budget, are you aware of the statistics of your people in your houses to fall out of sobriety at any length of time? What are the statistics within 30 days?

MS. BLASKO: Within 30 days?

MR. CAMPANY: After 30 days. What are the statistics? Once they get to your house, in the next 30 days what's the statistic that they fall out of sobriety.

MS. BLASKO: Are you talking about recovery house or residential treatment?

MR. CAMPANY: Your recovery —

MS. BLASKO: Recovery houses?

MR. CAMPANY: -- houses.

MS. BLASKO: I can tell you 67 percent of the people who come to recovery houses are successfully transitioning into independent living, and in order to do that they have to remain sober that entire time. The average length of stay has been roughly nine months, some are less, some stay longer.

MR. CAMPANY: Have any of your residents had moving violations, substance abuse moving violations, while they were living in your residences?

MS. BLASKO: Have any of them had DUIs --

MR. CAMPANY: Correct.

MR. PILAWA: — while in recovery houses?

MS. PITCOCK: Excuse me. Can we kind of keep this to the property owners?

MR. CAMPANY: I've got a couple of questions. I've been sitting here for two hours. I spent hundreds of thousands of dollars in real estate taxes.

MS. PITCOCK: If you're —

MR. PILAWA: Well, that's fair, but I do want to take us back to the fact that there are eight separate and discrete elements that we need to evidence on --

MR. CAMPANY: And this one relates to public safety.

MR. PILAWA: I'm not suggesting that you can't ask, but I'm just reminding the group.

MR. CAMPANY: So, again, while in your recovery, as one of your residents, has anybody had any moving violations for DUI or being under the influence, to your knowledge?

MS. BLASKO: I'm going to guess you're referring to our homeowners, have any relapsed —

MR. CAMPANY: I'm not referring — I'm asking if you're aware —

MS. BLASKO: That's the only one I'm aware of.

MR. CAMPANY: Pardon me?

MS. BLASKO: That's the only one I'm aware of.

MR. CAMPANY: So it has happened?

MS. BLASKO: There was a gentleman that relapsed, correct.

MR. CAMPANY: Okay. How often do you randomly drug test? What's the criteria for drug testing?

MS. BLASKO: It's just random and also it can be on a reasonable suspicion. If there's a reason to test them, it could happen ever day, or it could happen once a week. It's purely random and depends on the individual.

MR. CAMPANY: How long after somebody tested positive are they out of your residence home?

MS. BLASKO: We have to comply with the Ohio Tenant and Landlord Law and so we have to serve them with an eviction notice. It's a three-day eviction notice.

MR. CAMPANY: And during that time, can they be driving their own vehicle?

MS. BLASKO: Well, we have to abide by those laws. If we're aware that someone's driving under the influence, we will call the police.

MR. CAMPANY: If you're aware?

MS. BLASKO: Yes.

MS. SEREDICH: I have a question for you.

MR. PILAWA: As far as the landlord-tenant relationship, is that as a result of

anything — is there any of the federal code sections or the Ohio Revised Code Section that were referenced by Mr. Gillette earlier, or is that just separate and apart because you've got this, quote, landlord-tenant relationship with the people that live there?

MS. BLASKO: According to the Ohio Recovery Housing Association, to be certified we have to comply with the Ohio Tenant and Landlord policies and the Ohio Recovery Housing Association.

MR. PILAWA: Yeah, okay.

MS. SEREDICH: I have a question for her. How often do any of the people in your recovery houses use EMS or public facilities for security, safety issues that the taxpayers are paying for?

MS. BLASKO: With the recovery house, I wouldn't have that number, but they aren't using EMS.

MS. SEREDICH: They don't call when —

MS. BLASKO: Well, like any other family would, if you had an emergency you can get someone to take you like any other family.

MS. SEREDICH: And the other question I have is, do you make sure that their

hospitalization is reimbursed if you do use it? Is there a way to make sure they have hospitalization and things to take care of those bills?

MS. BLASKO: No, we don't pay them and, no, we don't make sure that they have hospitalization. They are all working, so they all have either private insurance or Medicaid.

MS. SEREDICH: And you go by the laws that govern you, if you want to change the variance to you -- you're --

MS. BLASKO: I'm not sure what you're asking.

MS. SEREDICH: I'm saying, you know, you go by the laws and -- the landlord-tenant laws, but you don't want to follow the laws of Munson?

MS. BLASKO: We're trying to follow the laws of Munson. That's why we originally contacted Mr. Herringshaw to follow his instructions.

MS. SEREDICH: Right. But you knew you bought in Munson, and if you did your homework you would have known that there's a two-person variance. You've been doing this for how many years?

MS. BLASKO: I'm not denying that that

happened. It says right in the application that it's Chardon. I'm not denying that was the case.

MR. PILAWA: Anything else related to these?

MS. SEREDICH: No, just those things.

MR. PILAWA: Thank you. There is -- oh, there we go.

(Amy Slack, of lawful age, was duly sworn.)

MR. PILAWA: All right. Can you state your name for the record and spell your last name and give your address, please.

MS. SLACK: Amy Slack, S-L-A-C-K, 12295 Waterfowl Lane. I, too, purchased a property on Waterfowl Lane in September of 2019. I am not a relator. I'm a stay-at-home mom. We lived in Buffalo, New York and I actually knew when I was buying my house -- We lived in a house in Camden -- Chardon, Chardon Township, and I bought in Munson Township and I was aware of that.

I want to say specifically that I support and applaud any person in recovery and treatment and in taking an active role in living a healthy and productive lifestyle. I do question the leadership and the leadership of an organization that doesn't respect and follow the rules. I'm sorry, I'm

just -- I guess I want to know -- a lot of what I have in here has already been covered.

Specific to the variance, what is to prevent the future potential next homeowner of this property of making it just a rental property, just a boarding house? If this happens, it's going to set the precedence with that property forever, including any other properties in Munson Township. It's just -- I'm concerned with how her claimed mistake is becoming our problem monetarily and, I mean, safety, you know, just the community asks -- I mean, a mile away is zoned for this. She wouldn't have had to have gone through all these battles.

And I'm just concerned that in the future, you know, this is going to be a rental property basically boarding house style. And I'm not confident that an error like this is really indicative of a well-run establishment. I mean, it's a simple thing. The relator is negligent. Jim Gillette, you're her attorney. My attorney looked at my single-family home and said, "Hey, your contract looks good." I mean, I just don't understand how it happened. And I guess she said under oath it did, but I don't know. So that's all.

MR. PILAWA: All right. Thank you.

MS. SLACK: And, actually, I have to say, too, my mom was a drug and alcohol counselor growing up, so I don't -- I'm not here discriminating or saying anyone is a bad person. I hold it in high regard. But there are avenues to follow, there are rules, there are codes.

It's time that we start doing things properly, the right way. I mean, I paid my taxes on the 22nd the right way.

MR. PILAWA: Okay. Thank you. As I said early on, this wasn't supposed to be a discussion about whether good, bad, you like it, you don't. It's supposed to be about whether a use variance has been established -- the entitlement to a use variance has been established, and it seems we've gotten a bit off task. It's probably my fault. Who's next? Who wants to speak to the application?

(Regina Wagner, of lawful age, was duly sworn.)

MS. WAGNER: My name is Regina Wagner, W-A-G-N-E-R. I live at 12691. I live directly across from the facility, and I take offense to being accused of looking in people's windows. Unfortunately, when I pull out of my driveway, my

car lights go right into your window. And when you're looking at me out my window, of course I look back. It's just common knowledge. That's not why I'm here.

Lake-Geauga Recovery Services under President and CEO Melanie Blasko bought the property on Ravenna Road to open a Level II recovery house. This business has an accreditation from the Ohio Mental Health and Addiction Services that states very clear avenues for such a facility. Ohio Mental Health and Addiction Services recovery supports with housing criteria. It states under the Code and Licensing Enforcement, and I quote, "All properties must be maintained in a safe and healthy condition and in compliance with any state or local regulations, but not limited to: local zoning regulations, applicable Ohio Building Codes and Certificate of Occupancy, local building code authority that reflects the current use of the building, local health and safety standards, and any local municipal codes that may be specific to jurisdiction."

Failure to follow these guidelines can prevent the business from receiving public taxpayer money. She is receiving our taxpayer money. She is

not following the guidelines that's she's expected to do.

Melanie bought this property without researching the property. If she would have done the proper research into this property, she would have realized that this property did not meet her desired use. She also did not contact the township zoning inspector before buying this property, as is recommended by the Ohio Board of Health.

It is not her first property. She knows the laws, she knows the rules, chose not to follow the regulations and now is crying foul. It is not the BZA or the residents of Munson to fix her problem. Ignorance of the law is not an excuse. At the end of the day, this business property does not meet zoning regulations. It's very clearcut. That's all.

MR. PILAWA: Who is next?

MR. RODERICK: Doug Roderick.
R-O-D-E-R-I-C-K, 12685 Ravenna Road.

(Doug Roderick, of lawful age, was duly sworn.)

MR. RODERICK: Follow the codes. No variance. That's it, bottom line. That's what they wrote those codes for, was to follow rules. I say

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follow the code, no variance.

MR. PILAWA: Well, let me just — I understand your position. Let me just suggest to you that the zoning ordinance actually provides for the variance; that's why we're here. We're actually following the code by doing everything we've done tonight listening to this, so I don't want anybody to leave — I don't know whoever is going to have another opportunity to go to a BZA meeting, hopefully never, but don't leave here today thinking that asking for a variance is somehow contrary to the zoning code. It's all provided for in the zoning code. I just want you all to be aware of that, okay.

And there's another fellow over there.

(Joe Zuccaro, of lawful age, was duly sworn.)

MR. ZUCCARO: Joe Zuccaro,
Z-U-C-C-A-R-O. I live at 12330 Waterfowl Lane. The property is adjacent to the recovery house.

MR. PILAWA: Okay.

MR. ZUCCARO: Thank you for your time.

Question A: Is the hardship unique to this property? No. The hardship is not unique to this property because the zoning ordinances already on

the books governing this area indicates that this is a residential neighborhood and not a commercial district, and this Level II recovery center is a business. Other residents in the area are not permitted to operate a business on their property.

Question B: Does the zoning regulation deprive the owner of a substantial property right? No. The regulation does not deprive the owner of a substantial property right because they could, one, sell the property and recoup their investment; or, two, rent the property to a family or individual and abide by the residential zoning requirements.

Question C: May the property be reasonably used in an economically viable manner without a variance? Yes. The property can be reasonably used for the previous two answers I just gave.

Question D: How did the proposed use compare to adjacent and nearby uses? The proposed use does not compare to any of the adjacent or nearby uses. The proposed use is a business and the adjacent and nearby homes are single-family residences, not businesses. Yes, we may live close to a commercial district, but we're not in a commercial district.

Question E: Is the hardship self-induced?

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As stated by Ms. Blasko on the various requests, yes, this hardship is self-induced. The failure on the part of Ms. Blasko and/or her real estate agent to thoroughly investigate or check the local municipalities prior to purchasing is not a problem that should now be placed on us.

This is not the first property purchased by the company but the twelfth, as stated in their address, Twelve Meadows. If this was the first, they may be able to claim ignorance, but a guiding principle of law states ignorance is no excuse of the law. This is their twelfth property purchased, and at the December 12th, 2019 informational session meeting that Ms. Blasko scheduled for us, the residents, she and her committee admitted/stated that this is not their first time they have had surrounding residents be apprehensive and/or disagreeable with their moving into the neighborhood, plus this purchase was made with all parties being required to sign a nondisclosure agreement, showing signs of trying to hide their intentions until after the fact and now trying to claim that they were unaware.

I feel that Ms. Blasko now knew full well that this would not be allowed. When we purchased

our house on Waterfowl, we did some checking into the area, such as is this a residential or commercial area? Is it next to a business? Is there access to stores, entertainment, freeways, or is there big-box stores close by? And we purchased also in September of 2019, a couple weeks after the close of the recovery house.

It is not believable that a business this well established would not have done similar checking. Plus, going to and from this property, Ms. Blasko, or her team, would have had to travel down Route 44 from Chardon and pass the entering Munson and leaving Chardon signs and would have known that this was not Chardon, Ohio.

How does this — Question F: How does the zoning regulation protect the public health, safety, and morals? The zoning regulations protect the public health, safety, and morals by setting aside specific residential areas from commercial areas, thus hoping to limit vehicular traffic in an area where children and families may be outside, limiting the chance of someone accidentally being struck by a vehicle or litter being thrown out of many vehicles that may frequent the area but not live there or have a vested interest in the cleanliness of that

area and thus giving the appearance or a feeling of a rundown area.

In addition, the business, Lake-Geauga Recovery Center, is specifically designated for recovering alcoholics and drug addicts. If they or any of their visitors discard any paraphernalia or drug byproducts out the window into the ditches, there is the strong possibility that curious unknowing children playing may find and pick up or touch something that could harm themselves. Also, we have many families on the street that walk their dogs for exercise, and if a dog comes upon something or in contact with it, now the animal could possibly be harmed.

Also, this house is located at the corner of the street, right where the neighborhood children wait to catch the bus, placing them in direct sight and contact with the residents and any visitors.

Young children are impressionable and friendly and this location now places them in close proximity to a person, visitor or anybody else, who may see them as a potential target. It is for that reason I hope that we will only need to have this meeting and not an "I told you so" meeting.

Question G: Will adjoining properties be

harmed? This is a question that would be inexcusable, that may be up to interpretation. It is my opinion that, yes, adjoining properties will be harmed. If you ask any real estate agent they will say there is no proof and they usually do not want to give their names associated with any comments for worry of discrimination. But there have been articles written, such as one I would like to present later as part of the record, Not In My Back Yard, that cites that 8 percent to 17 percent loss in property value due to living next door to or having a treatment center in your neighborhood.

If they do not decrease the property value, they decrease the number of buyers that may look at your house, thus decreasing the pool of prospective buyers and prolonging the time it takes to sell your house.

The house that we're discussing, 12700 Ravenna Road sold and closed close to the same time we closed on our house. If we would have known we were moving next door to drug addicts, we would not have purchased our house. Also, living next door to a business, we did that checking; that's why we moved into a residential area.

Why do you think Ms. Blasko stated on the

variance request and it is stated in their brochure that they prefer to move into a residential neighborhood? My opinion is because they don't want to live next to drug addicts either. I do not know the personal lives of my other neighbors, but you now have admitted alcoholics and drug addicts living in the area with children and also just a few houses from a school and/or church that conducts classes and sports activities for elementary age children, at-risk children. Also, the residents in the surrounding area are taxpayer homes that pay for roads, public services, police, sheriff, and fire response.

This business operating out of the house at 12700 Ravenna Road is listed as a nonprofit company and as many of the properties listed on the auditor's site they, too, are nonprofit, so they are non-taxpaying but are potential users of the services that all taxes pay for.

Question H: Did the property owner purchase the property with the knowledge of the zoning restrictions? It is my opinion that, yes, the property owner did purchase the property with the knowledge of the zoning restrictions. The legal counsel for Lake-Geauga is Mr. Jim Gillette. He is

the former law director for the City of Chardon. He and the real estate agents should have known that this was not in Chardon even though they share the same ZIP code. They should have checked the zoning requirements prior to purchase.

It is also my opinion that Ms. Blasko and the company knew the zoning restrictions, thus the reason for the nondisclosure agreement between all parties, and were operating under the it is easier to ask for forgiveness than ask for permission premise and will now push the course to sue knowing the township probably doesn't want to involve a legal firm.

These statements regarding Lake-Geauga Recovery Center reflects my opinions and are based on my life experience and interactions. I recognize that these types of businesses and facilities may be a necessity, but they should be in a commercial district. We already have zoning ordinances on the books. We're just asking that you abide by and follow those ordinances; otherwise, what's the use of having them. I know as a homeowner that if I wanted to build an accessory building, shed, garage, do anything to my driveway, I need to follow the same rules and so should they.

The Lake-Geauga Recovery Center is citing the definition of a family in the zoning ordinance, Article 2, page 2-4. When a reasonable person reads that definition, they would interpret the two unrelated adults and an employee as two people who have hired an employee, a caretaker, nanny, housekeeper, et cetera, and that employee is responsible to the adults, a situation where the employee is paid by the residents and is responsible to those residents. That is not the case with this recovery house. The house manager is an employee of Lake-Geauga Recovery Centers, not the rent paying residents. And they, as residents, are responsible to her, not the other way around.

They need to meet requirements that she is overseeing and monitoring. It is for that reason that they do not meet the definition of a family that is described in our ordinance.

At the January 16th, 2020 BZA meeting, Chairman Pilawa was asked if the home could be occupied until this matter was settled and his reply was no, but that house has been occupied continuously and bringing in income to the company in violation of his statement and I feel should have been closed down already by the township.

As a business providing their services, they should have notified the township of their intentions and should have met the requirements set forth in the building and fire codes for suppression and alarms. Hopefully they will comply with our fire codes. Just because their legal counsel sees things differently is only a difference of an opinion and does not give them legal permission.

I would like to submit copies of — I have it with me -- what I downloaded from the Ohio EMS Board pertaining to the use and administration of Narcan. It covers the entire county for two years. And Narcan has only one function, and that is to counter the effects of narcotics both in an in-hospital setting and also out-of-hospital setting to help a drug addict during an overdose situation. EMS agencies have to report this usage.

The Lake-Geauga Recovery Center has distributed a flyer, which I would like to present tonight as evidence, stating that they will be a distribution center for free Narcan making me wonder are they in the business of helping addicts get off of drugs, or are they just enabling them to use and stay alive so they can be recycled into their business thus helping their financial status?

Also, it is my opinion that there will be Narcan available in the house so that if a rent paying resident relapses Narcan can be used but will not be reported, thereby never providing any negative feedback as to the success or failure of the business.

I was able to find out how many homes were sold in 2019 for the following parameters, and I would like to submit them also. How many homes were sold in Lake-Geauga County — I'm sorry, in Lake County between \$200,000 and \$300,000, which covers the price of Twelve Meadows? How many homes were sold in Geauga County between that same price? How many homes were sold within a half mile of 6251 Cheryl Drive in Concord, Ms. Blasko's house? And how many homes were sold within one mile of her house?

17 homes were sold within the last six months within a half mile of Ms. Blasko's home and 44 homes within six month at one mile. I bring this up because why didn't Ms. Blasko purchase a home in her neighborhood, a residential neighborhood, as opposed to our residential neighborhood?

At the December 12th, 2019 informational session for the neighbors, Mr. Don [sic] Hanlon,

part of Ms. Blasko's team, stated that this house and residents should be considered an asset to the neighborhood, and if he's here or someone could answer from the team, I would to like to know why and how we should consider them an asset to the neighborhood.

In my — in one of my previous residences, I lived next door to an alcoholic. The police were repeatedly called because he would drive home intoxicated, drive his car over the sidewalk, and park on the lawn and then get out and leave the car running for long periods of time, or he'd arrive home intoxicated after midnight and proceed to physically beat up on his wife and/or son, causing his wife to run over to our house, banging on the door, waking me up at all hours of the night, requesting that we call the police.

I'm a retired firefighter/paramedic and through my career I have had the opportunity to interact and care for both alcoholics and drug addicts. Even while trying to help them and save their lives with Narcan or other things, they became physically violent and threatening towards my partners and myself. We would administer Narcan, revive them, and they would instantly go from zero

to 60, jump up with that crazy look in their eyes, and instantly try to claw and attack us. I have been scratched, spit on, involved with fighting to restrain an addict, and had my life and the life of my family members threatened just because I saved their lives. We do not need to increase that possibility so close to our neighboring families by allowing this business to operate against the variance.

Again, I'm hoping that we'll only be having tonight's meeting and not an "I told you so" meeting. Thank you for your time and opportunity to speak tonight. Please do the right thing and uphold the variance and our ordinances.

MR. PILAWA: You wanted to admit evidence?

MR. ZUCCARO: Yes, sir.

MR. PILAWA: All right. Just make sure we have that.

MR. ZUCCARO: Can I proceed?

MR. PILAWA: Yeah, sure.

MR. ZUCCARO: And you can have everything I just read tonight, too.

MR. PILAWA: Thank you. Anyone else?

(Therese Lanese-Turkish, of lawful age, was

duly sworn.)

MR. PILAWA: All right. Will you state your name for the record, please, and spell your last name.

MS. LANESE-TURKISH: Therese Lanese-Turkish, L-A-N-E-S-E, hyphen, T-U-R-K-I-S-H.

MR. PILAWA: Okay. What's your address?

MS. LANESE-TURKISH: 12290 Waterfowl Lane. I'll get right to it.

MR. PILAWA: Good.

MS. LANESE-TURKISH: It took me eight years of intense research in order to find what I thought was going to be my perfect home. I wanted to live on a no-outlet street away from an urban area, in an area safe, free of any known criminal elements, near good schools, with like-minded neighbors. One thing not on my checklist was living a stone's throw away from a house with transient recovering alcoholics and drug addicts. My neighborhood is not known for this or any other business. I, like Joe, lived near addicts, recovering addicts, for over ten years in another city, a nice city. It was a nightmare for my family. There were — I did my due diligence by

purchasing my new home. I knew what city I was buying and the zoning laws that were put in place to protect me and the integrity of my new home. I did not have access to research the tenants of this property, as I did my neighbors, when I moved in, which I did. I will not know anything about them. I chose to live in a residential district in order to avoid all of the what-ifs.

I chose to live on Waterfowl Lane because of the limited interaction with non-Waterfowl Lane residents. If I would have known this, I would have never, never, never have purchased this home to raise my family. I chose to live in a quiet residential district. Our small street cannot handle our own ingress and egress being used as a possibility of a business with up to six additional vehicles and their visitors.

I bought a home in a residential district, not a city, not a commercial, and not an industrial area. According to The Geauga Maple Leaf, May 22nd, 2014, Melanie Blasko, CEO of LGRC, states, and I quote, There is misplaced concern in a community that problems can arise if a recovery house was opened nearby, end quote.

A misplaced concern? I ordered over 100

police incident reports from all the LGRC houses. That doesn't sound misplaced to me. Also in the article Melanie made light of zoning laws stating, I quote, zoning is a stumbling block, end quote. Last I checked, laws were laws and not stumbling blocks.

More recently, on June 18th, 2019, an article by Aurburntownship.org entitled Lake-Geauga Recovery On the Hot Seat Again as Melanie Blasko is providing an annual recap, they were seeking over \$41,000 from the Geauga commissioner. Folks, Commissioner Lennon voiced confusion about the actual outcomes compared to stated ones. Blasko was either evasive, not eligible, or incomprehensive. Both Lennon and Commissioner Spidalieri seemed incredulous. Blasko acknowledged that she was not 100 percent certain of the Geauga County data. Blasko did not specifically answer all of Spidalieri's questions, raising the question of the efficiency of Lake-Geauga Recovery Centers, end quote. Melanie Blasko has a reported income of over \$95,000, \$95,879 plus an additional \$14,706 as of 2019. So let us be clear that LGRC is a business.

In an interview regarding the Chardon Sober House in the Geauga Maple Leaf on August 6th, 2015 Melanie said, and I quote, Lake-Geauga Recovery

Centers chose an urban setting so the residents have more opportunities for employment, but also so that they have a variety of things to do and people to interact with, she said. Chardon has a number of churches, places to shop, and activities, such as the library, the theater, and on the square, all within walking distance. They need to change their whole lifestyle, Blasko said, and a village or city is the best place for that, end quote.

Interesting that 12700 Ravenna Road offers none of the adjectives used by Melanie herself to described the list of best places. Melanie Blasko also made it public knowledge that she thought she was buying a house in Chardon. Whether that is true or untrue, we will never know because of the nondisclosure confidentiality agreement signed during the purchase of the house in question which does not permit the required zoning for her intended purpose of the property. And as it's been stated, ignorance of the law is no excuse.

From the beginning, LGRC has been secretive, caught in alleged untruths, errors involving convoluted numbers, and received Internet reviews for LGRC somewhere between a D and an F, depending on the grading scale. In addition, LGRC

have been in deliberate violation of instructions to not occupy the home under directive from the BZA here, and that is from the January 2020 meeting.

If acceptance, support, and a sense of community is what Melanie or any other business is hoping to find at 12700 Ravenna Road, she chose the wrong location. I am well aware of my surroundings, and if something looks out of place I will always alert the authorities.

The proposed use of 12700 Ravenna Road does not compare with adjacent or nearby uses, as the area is zoned residential. The hardship is self-induced. LGRC boasted of their long history since 1971 and how they purchased several of these homes, yet Melanie did not do her due diligence, like I did, before purchasing this home in Munson Township. Their mistake, their problem, their alleged lie or untruth, and their issue sits.

LGRC is requesting a variance in an R-1 district, a residential district. The responsible thing to do is to uphold zoning expectations and abide by a land-use plan. The zoning regulation does not deprive the owner of the vehicle property rights, as the home has been used as a residence since 1847. LGRC could rent its own home, recoup

their money, and purchase a home in the correct environment with a properly zoned area. If LGRC was purchased in a properly zoned area, a lot of money and trouble would have been avoided on both sides.

The zoning regulation was put in place to protect public, health, safety, and morals of the township's taxpaying residents. LGRC is not paying taxes. They receive all the benefits of my tax dollars. The morals of the neighborhood will forever be changed and the once beautiful century homes in jeopardy of being turned into recovery houses in an un-properly zoned area.

Adjoining properties will be harmed physically and financially, in my opinion. The two-car garage cannot, obviously, accommodate vehicles for up to six people and in addition their invited and uninvited guests. Parking is not allowed on the street within 30 or so feet of the stop sign. The intersection is already busy enough. The thought of creating a business setting in a residential area is absolutely absurd. LGRC is forcibly trying to introduce an element of already failed morals into a residential area. The people within this home are transient. The revolving-door lifestyle of these tenants does not represent a

family environment versus those of us who have chosen to put down permanent roots.

Marketability for future sale is going to be diminished. The former owner of 12700 Ravenna Road, Audrey Schuetzman, told me herself over the phone on Friday, January 10th, 2019, and I quote, I guess your property values will be affected, huh, end quote. If this is such a great thing, why are there so many secrets. There are several unknowns. Will it always be women, or can that change? Women with children, pregnant, nursing? Will it increase? What is their intention to increase the structure? What if they want to accommodate more than six people or six vehicles?

I do expect BZA to uphold the zoning laws in order to protect me and my family and all the taxpaying residents of Munson Township. However, should the BZA succumb to this ludicrous zoning request, I, in turn, request the following be put into the record that LGRC will do the following, I guess, according to our local zoning laws and rights. That we will absolutely have no parking on the street for a to-be-determined number of feet beyond the stop sign, more than 30 feet. Under no circumstances shall this home be increased in size

in order to increase the capacity of tenants. No additional structure, outbuilding, barn, et cetera be erected on the property. It would be nice if they moved the mailbox to Ravenna Road in order to coordinate with the street address, all their occupants also on Ravenna Road to coordinate with the street address. They might just move the driveway to Ravenna Road, too. No sign placement relating to the use of this house of any kind. And more importantly, no tenant shall have a criminal record or be a non-documented US citizen.

Melanie and LGRC have displayed their defiance with following local laws. I would like the reassurance that LGRC at least follow federal laws.

Thank you for allowing me this time to express my concerns about this life-altering situation.

MR. PILAWA: Did I fail to mention earlier on that we have very limited authority? We just determine variance requests. We can't tell anybody where to put their mailbox. I mean, if that's what you're expecting from us, you're going to be really, really disappointed.

MS. LANESE-TURKISH: Well, from what I

understood, you said for us to say what we wanted to say.

MR. PILAWA: Okay. If you're expecting us to tell somebody where to put their mailbox, that's not going to happen.

MS. LANESE-TURKISH: No. No.

MR. PILAWA: You already had a chance.

MR. ZUCCARO: Yeah. I forgot to ask a question.

Earlier it was brought up that there's a camera on the trees facing the house. I own that property. I'm the property that is adjacent to them. I own from my driveway all the way to the stop sign, including the mound, as I discussed last time. That camera faces the mailbox and the street. It does not face the house, and is not intrusive to that house. My wife wants to plant flowers on that mound, so I've watched for deer. We moved from Highland Heights and they ate every flower she put down on the ground. It's also to monitor traffic. Second of all, it was brought up earlier that there were cars parked on the side of the street on Waterfowl. Can the people from Lake-Geauga, would you elaborate on that? Because my family has not picked up people loitering and parking on Waterfowl.

Can you address that, please?

MR. PILAWA: Well, again —

MR. ZUCCARO: Not you. I'm sorry.

MR. PILAWA: No, no, no. I don't see where that addresses the terms of the use variance.

MR. ZUCCARO: No, it doesn't. It's just that they were complaining about the camera. It's at my property and it's not facing the house.

MR. PILAWA: Okay. You are now disputing what they thought earlier or they said earlier. Okay.

Is there anyone new? Okay, thank you. I guess your hand's up first.

MR. MCHALE: Yeah. This is going to be real quick.

MR. PILAWA: I hope.

MR. MCHALE: Pat McHale, 12165 Waterfowl Lane.

MR. PILAWA: Hold on.

(Pat McHale, of lawful age, was duly sworn.)

MR. MCHALE: I can't follow a lot of my neighbors, but I just want to get it on the record that I oppose the variance. The only thing that I've been thinking about is there is — this

might actually apply to the variance. There is a tremendous safety issue on that corner if you live on the street, especially with visitors, if they stay there all day. There could be up to, I don't know, eight visitors. They will not understand how to back in and out of that driveway. Coming off 44, they're going to get T-boned. I guarantee it.

That driveway should not be there. I know that you can't move the driveway, but there is a safety issue there, which if you care about the people that live there -- again, just sell the house. Buy a different one. You wouldn't have to go through any of this. It's not that important.

MR. GILLETTE: Is it your belief that the driveway goes directly onto Route 44?

MR. MCHALE: No, but it should. It doesn't.

MR. PILAWA: All right. Thank you.

There was somebody else back there. Ma'am? Let me swear you in right now.

(Bobbie Jo Freeman, of lawful age, was duly sworn.)

MS. FREEMAN: My name is Bobbie Jo Freeman, F-R-E-E-M-A-N. I live at 12690 Ravenna Road. I am the property right next door. My

husband and I closed on our house just over a year ago in July. I have a one-year-old daughter. And we expected to plant our roots here and never move again. We never wanted to live by a multifamily home or a business, but it seems that there is a business.

Unfortunately, I — well, I'm very proud. I work in Painesville city; I'm a teacher. If I wanted to live in that atmosphere, by those type of things, I would have bought a house there. All of their locations are in the city. They're in Painesville city, they're in Mentor, they're in Chardon. We live in Munson Township for a reason, and I cannot thank Sarah and Tim and Therese and Joe and Gina, and everybody else that I missed, for their statements and their facts. They were spot on. I had more to say, but I can't support them more. They did a fantastic job. But I'm having a really hard time swallowing this. We would have never purchased our house. Thank you.

MR. PILAWA: Thank you.

(Sonja Siebert, of lawful age, was duly sworn.)

MS. SIEBERT: My name is Sonja Siebert, and I live at 12170 Waterfowl Lane.

Waterfowl Lane is a street which houses the LGRC sober home driveway. Waterfowl Lane is the only ingress and egress for the sober home's residents and guests. First, I would like to address the idea of zoning. One purpose of zoning is to protect the health and safety of the residents of a community. Zoning is also about expectations. When one invests in a certain area, they have the expectation that the surrounding neighborhood will have similar characteristics that will be protected in the future by zoning regulations.

When you move into a residential community, the expectation is you will be able to enjoy the same or similar values. I support the concept that LGRC shall be required to request a use variance and be denied that variance. It is questionable there already were two residents and a house manager living there without meeting the definition of a family, and they are requesting three additional residents be permitted. This hardship for which they are requesting remains self-induced and should be denied. By its own admission with the zoning application, LGRC's director admits that she thought the house was in Chardon.

I am submitting a copy of the MLS listing

which states Munson no less than three times. A multimillion dollar nonprofit corporation really should know better to research the township and the laws prior to purchasing. This owner has both the ability to sell the home or use it in another economically viable manner without a variance, namely renting it or selling it according to zoning laws.

The definition clause of family in the Munson zoning code at the center of this controversy is as follows: A number of adult persons, not exceeding two, living and cooking together as a single housekeeping unit though not related by blood, adoption, guardianship or marriage shall also be deemed to constitute a family, exclusive of live-in hired employees. LGRC makes the argument that the sober house is entitled to a reasonable accommodation to allow three additional unrelated adults to reside in the house in addition to the two residents and the house manager who are already residing there just to make us hesitant. First, the LGRC home will just lead to more zoning issues if this manager is not reporting a scheduled resident and is asking Munson Township to change their definition of a family. The definition states it is

exclusive of a live-in employee such as a housekeeper, et cetera; however, the live-in manager of the LGRC is an employee of the corporation thereby rendering LGRC as invalid.

Another flaw is the argument stated by LGRC's attorney that LGRC is entitled to a reasonable accommodation to allow the home's living situation. To this argument, the sober house is not entitled to a reasonable accommodation simply by reciting some federal regs while ignoring the local zoning laws.

Finally, the accommodation requested must be reasonable. An accommodation is reasonable if it does not cause undue hardship, a physical or administrative burden to the municipality, or does not undermine the basic purpose of zoning ordinances for its use. FHA violations are established by showing if there is impact or failure to make a reasonable accommodation. LGRC relies on a request for a reasonable accommodation. A three-part test is applied to determine whether a reasonable accommodation is necessary. It must be reasonable, necessary, and allow a substance abuser have equal opportunity to use and enjoy the particular accommodation.

The accommodation requested by LGRC is unreasonable. It is unreasonable if it imposes undue financial and administrative burdens, imposes an undue hardship on the township, or requires a fundamental alteration in the township zoning program.

LGRC's sober home will impose undue financial and administrative burdens on Munson Township and its residents. As a nonprofit corporation receiving both county and federal money, LGRC residents of the sober home will not be carrying the same tax burden of contributing to the taxpayers of Munson Township who are its permanent residents and corporations.

LGRC itself, as a corporation, will not be contributing to the tax dollars of the community. The residents may not be from Munson Township or may not work in Munson Township. They might not register to vote as a Munson Township resident. In other words, they will not be invested in our community as we are, the permanent taxpaying and voting residents of Munson. However, they will be utilizing disproportionately the township's and county's resources in terms of sheriff, fire, and ambulance.

This is not conjecture. This is direct evidence from the police reports from LGRC locations which I'm submitting tonight into evidence.

In general, first is how the law cannot be subjective where a restriction attempts to recenter to legitimate concerns and worries raised by affected individuals. This leads to the question will adjoining property be harmed. Yes. The driveway of the sober house is at the location for the drop-off for all of the children who live on Waterfowl who attend Chardon schools. The traffic will be worse from increased transportation and this is within 100 feet of a 55 miles per hour zone. At the location of the children's bus stop, it is an extreme safety hazard.

Number two, the residents and their guests have unknown criminal backgrounds. As former drug and alcohol users and addicts they have been involved in criminal activity, even if they have not been prosecuted. The nature of this arrangement is in direct conflict with the quiet community that we live in. It's the reason people live here and the reason that we moved here. The admission of multiple former drug and alcohol addicts in a concentrated space brings lower moral turpitude to

Munson. Ironically, this is why LGRC chose this location, so that the temporary residents can be around us.

I am submitting copies of three reports from neighbors of LGRC's facilities in Lake-Geauga Counties. There are over 100 reports. Among some of the highlighted reports — these are public record, but I'll use initials. On Water Street, Chardon sober homes, I'll read this, the threats centered around R's access to the sniper rotation. He also made comments about vandalizing 114 Water Street. Another report says R is highly intoxicated and being very loud. A caller advised that the male was ranting and irate. Quote, Mr. P called down to complain and said he'll kill him. Another report says E was at the sober house and he got kicked out of there. M said he is drunk. He is on probation.

At the 800 Oak Street location, a female resident, quote, officers were dispatched to the Oak House for a report of a female who had a change in mental status and had to be raced to the hospital for a full evaluation. Quote, request from staff member at Oak House for a health check due to suspicious vehicle that had pulled into the property and then left quickly. This happened several times,

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unquote. I'll skip the next ones.

These are just a few anecdotes. These reports present direct uncontroverted evidence of injurious criminal activity, threats, suspicious vehicles, combative, shots fired, trespassers, drunkenness and potential drug use at LGRC's centers. This evidence proves community members' concerns are well founded. There is actually no evidence to the contrary that we, the affected residents, will not be subject to this criminal activity. Will the adjoining property members be harmed?

On a personal note, my husband and I are the parents of two daughters. We moved here two years ago from North Collinwood. Our family moved to Munson for the peace and quiet that Munson has to offer, for the very nature that people want to place permanent roots here. After reading the police reports and researching the failure rates of the LGRC sober homes' clients and having a full grasp of what is in store for us, I can safely say that our lives will change dramatically should this be permitted. I have been forced to have very unfortunate conversations with my twelve and nine-year-old daughters, conversations that I

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normally would be years away from having.

By now, my girls know almost everyone and their cars by sight, and they will now have to be on the lookout for strange cars driving and strangers walking up and down the street. I will no longer be comfortable allowing my daughters out of sight on their bikes as we walk our dogs up the street. These issues are not directly with the residents; this also has everything to do with the criminal activity which abounds from their guests as shown in the police reports. That's why I'm urging the Board to deny this request.

I have one question in follow-up. When you say you had to evict the residents, you had a 67 percent success rate, meaning two out of every six residents in this home are potentially going to not be able to be residents there, so four out of six will be positive. When you give a three-day notice, those people may not move out. Under the Ohio Landlord Tenant Law, you have to file an eviction. They could still be there for 30 to 60 days. I'm wondering about their status as protected individuals for that time period after they've been given the three-day notice. How are they still protected and how will the home be protected for

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disabled individuals?

MR. PILAWA: Are you asking

Ms. Blasko?

MS. SIEBERT: I'm asking Ms. Blasko.

MS. BLASKO: Could you repeat that, please? There were a lot of things I was going to comment about, but what was your last question?

MS. SIEBERT: You said that some of your sober homes have a 67 percent success rate. That means one out of three is not successful; is that correct?

MS. BLASKO: People leave on their own, so it's not that everybody — it's not that everyone — the others all relapse, some just leave on their own.

MS. SIEBERT: Okay. So the ones that don't leave and that have relapsed, you have to give them a three-day notice; is that correct?

MS. BLASKO: If they are — if they relapse in our residence, correct.

MS. SIEBERT: And if they don't leave after three days, you have to file an eviction, which means they could be in that home for 30 to 60 days?

MS. BLASKO: No, they're weekly

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leases, so no, they can't be in the home for 30 days. They're weekly, week to week, seven days.

MS. SIEBERT: Okay, so you — but you have to file an eviction with the court, correct?

MS. BLASKO: We serve them with an eviction notice. We've never had a situation where someone didn't leave the same day. Usually they get out of there --

MS. SIEBERT: You could have that situation though?

MS. BLASKO: We could, yes.

MS. SIEBERT: So how are those people protected within that time frame still protected as disabled people?

MS. BLASKO: How are they protected?

MS. SIEBERT: How is their disability protected?

MS. BLASKO: Because they relapse — you're asking — you're assuming they are active users, so they're asked to leave. And I don't know how to answer that question because they then are no longer protected as such. We don't keep them there either after that point either, if they relapse.

MS. SIEBERT: So if they don't leave, you may have to file an eviction that they need to

leave?

MS. BLASKO: Three days.

MS. SIEBERT: Oh, no. You have to file an eviction in court.

MS. BLASKO: With my own eviction -- it's a week-long lease, so they are gone within seven days.

MS. SIEBERT: No, that's not true. You don't get the court hearing after you file an eviction. There's five days or seven days or —

MS. BLASKO: Well, we've never had to do that.

MS. SIEBERT: All right. Thank you.

MR. PILAWA: Do you want those as part of the record?

MS. SIEBERT: Yes. Thank you.

MR. PILAWA: You can put them by the court reporter.

(Jamie Keyser, of lawful age, was duly sworn.)

MR. PILAWA: State your name, please.

MS. KEYSER: Jamie Keyser,

K-E-Y-S-E-R, 12180 Waterfowl. And I don't — mine's really short because my great neighbors put a lot of work into this, and so I'm kind of piggy-backing off

of everything they say. But I just wanted to put on the record that I am opposed to the variance. I have four young children on the street. We moved there a couple years ago and so Tom and I are also uncomfortable with the situation. So, yeah, I just want to say thank you for speaking up.

MR. PILAWA: Thank you. Anyone else?

(Kevin Campany, of lawful age, was duly sworn.)

MR. CAMPANY: For the record, Kevin Campany. This is a signed affidavit notarized, and I will submit it after I'm done. I, the affiant, reside at 12245 Waterfowl Lane with my wife and two daughters and have lived at the residence since March 2002, that's 18 years.

I, the affiant, have been a property owner and have paid real estate tax on the property located in Munson Township for approximately 27 years, having moved to my first Munson Township residence in 1993.

As a resident of Munson Township and traversed Waterfowl Lane, and an affected property owner, I, the affiant, state my absolute opposition to the use variance request submitted by Lake-Geauga Recovery Centers for the property located at 12700

Ravenna Road, Munson, Ohio to the Board of Zoning Appeals of Munson Township.

I, the affiant, base my opposition on the following reasons. Based up on my information, belief and opinion, I feel that granting the use variance for the property located at 12700 Ravenna Road, Munson, Ohio will create congested and unsafe traffic patterns, on and offsite parking traffic issues, and storm water runoff issues which will individually or together further create life safety issues at or near the intersection of Waterfowl Lane and State Route 44.

I, the affiant, have traveled Waterfowl Lane thousands of times during the time period of my residence, both by foot and by car, and have, again, thousands of times traversed and navigated the intersection of Waterfowl Lane and State Route 44. In that time frame I have seen countless near misses at this intersection, which carries native residential traffic inbound and then outbound for Waterfowl Lane, as well as significant traffic from a host of other sources, including school buses, garbage trucks, service and landscape vehicles, test drives for our local car dealership, FedEx delivery vehicles, U.S. mail vehicles, Amazon delivery, and

emergency vehicles, just to name a few. Vehicles entering Waterfowl Lane and State Route 44 tend to do so at a high rate of speed, as the speed limit for State Route 44 at this intersection is 55 miles an hour. A vehicle going 55 miles per hour travels approximately 87 feet per second. At this intersection the speed limit for Waterfowl Lane is 25 miles an hour. A vehicle going 25 miles an hour travels approximately 39.5 feet per second. The only ingress and egress, driveway, for the property located at 12700 Ravenna Road, Munson, Ohio is located approximately 135 lineal feet from the center line of State Route 44 on Waterfowl Lane, see the map attached. A car entering Waterfowl Lane from State Route 44 will reach the driveway at 12700 Ravenna Road on average in less than 3.4 seconds.

I, the affiant, believe that increasing the permitted occupancy for the property at 12700 Ravenna Road and in turn the amount of vehicles entering and exiting the driveway will create a situation where transient residents, their visitors, and even more service vehicles who are unfamiliar with the intersection, the driveway, and its close proximity to State Route 44, will place themselves, their visitors, the residents of Waterfowl Lane and

all who navigate the intersection of State Route 44 and Waterfowl Lane in grave danger.

I believe that prior to even considering a use variance for the property, it is the obligation of the Board of Zoning Appeals of Munson Township to obtain from ODOT or a similar independent provider a Data Driven Safety Analysis pertaining to the increased traffic and congestion which will be created in close proximity to the intersection of State Route 44 and Waterfowl Lane from ingress/egress to 12700 Ravenna Road, as well as potential on-street parking in close proximity to this intersection and their combined impact on life safety.

I, the affiant, believe that allowing the residents of 12700 Ravenna Road and their visitors to park their cars on the street, if the variance would pass, will significantly exacerbate the congestion, navigation, and life safety issues at this intersection described in paragraph six above, which is also the exact location of a Chardon local schools bus stop for K through 12 grade school aged kids. The Board of Zoning Appeals of Munson Township must not create a situation by approving the use variance which will further create a need

for on street parking due to a lack of onsite parking at 12700 Ravenna Road, which is currently insufficient to support the parking requirements created by the use variance as requested. Prior to any consideration of a use variance, the Board must first obtain a DDSA as noted in paragraph six above.

I, the affiant, believe that in order to accommodate the level of onsite parking at 12700 Ravenna Road necessary to alleviate my concern in paragraph seven above and accommodate the requirement inherent in such a use variance, significant additional hard pan or paved surface area will need to be created onsite. Creation of this additional hard pan or paved surface will create additional water runoff which will directly impact subplot 16 Waterfowl Lane and all downstream properties.

Prior approval of a use variance would create a potentially hazardous storm water runoff issue. It is incumbent upon the Board of Zoning Appeals to require a study by the Ohio Division of Soil and Water or a similar body which determines the requirements for additional onsite detention or other storm water detention or mitigation based upon an increased onsite parking area and related soil

disturbance. That's all.

MR. PILAWA: Okay. You know, of course, we have absolutely no ability to do what you have said. Zero ability.

MR. CAMPANY: That's just my opinion.

MR. PILAWA: Well, you're telling us what's incumbent upon us. No, you just did that under oath and it's in the record. We don't need your affidavit.

MR. CAMPANY: I'd like to submit it though.

MR. PILAWA: Well, you just did. You just read it into the record.

MR. CAMPANY: So I can hit the road now.

MR. PILAWA: Here, okay, let's -- okay. Here.

MR. CAMPANY: Thank you.

MR. PILAWA: There's absolutely nothing that you asked for that -- we decide variance requests. That's what we decide.

MR. CAMPANY: Okay. All right.

MR. PILAWA: And we don't sanction the traffic codes.

MR. CAMPANY: I didn't -- I didn't

need to know anything about their business plans for the variance request either, but I heard it. I sat here for two hours for that.

MR. PILAWA: Well, we've been here for four hours. I said a hundred times we have very limited authority.

MR. CAMPANY: I get it. They got their two hours and we get ours.

MR. PILAWA: Yeah, go ahead.

MR. GILLETTE: A couple questions, sir. Have you investigated the grade of 12700 Ravenna Road?

MR. CAMPANY: Pardon me, the raid?

MR. GILLETTE: The grade.

MR. CAMPANY: Grade. No, I have not.

MR. GILLETTE: So you don't know which direction the water will flow, correct?

MR. CAMPANY: I have an opinion that it will flow left. It'll all go downhill onto my property.

MR. GILLETTE: But you don't know the grade, necessarily?

MR. CAMPANY: A professional — I have observed the grade thousands of times and I've watched the water flow and where it flows.

MR. GILLETTE: Have you requested from the Ohio Department of Transportation the traffic counts on State Route 44?

MR. CAMPANY: No, I have not.

MR. GILLETTE: So you don't know if there's 10,000 trips a day, 50,000 trips a day?

MR. CAMPANY: No.

MR. GILLETTE: You have no idea?

MR. CAMPANY: I do not.

MR. GILLETTE: What about traffic counts on Waterfowl Lane that may have been done by Munson Township, have you requested those?

MR. CAMPANY: I have not.

MR. GILLETTE: Thank you.

MR. PILAWA: I'm sorry, did you want to --

MR. SABEL: Yeah. For the record, Chris Sabel, 12195 Waterfowl Lane, and I will tell the truth.

MR. PILAWA: Let me swear you in first.

(Chris Stable, of lawful age, was duly sworn.)

MR. SABEL: I get over 24 inches of water through my driveway from the very beginning of

Waterfowl Lane when we get a rainstorm, okay. So we don't need to do the study. The study is the size of my pipe that goes over the driveway. There's records of what everybody says here.

Your lack of due diligence has put everybody here at risk. You're hiding behind state law and federal law, okay. The loophole of good faith and protected citizens is not what this is about, okay. It's about your failure to do your job. We're paying the price, okay. If I were going to buy a piece of property, I would have done my due diligence. I would have found out why I don't want to move there, okay.

Like everybody else here has said, 18 years ago, 19 years ago we bought residential property governed by Munson Township, and that's the way this should continue, plain and simple. It's going to get out of control when they disapprove it, okay, you get your way, and then you do something different. This world has gone bat crazy, and it's for reasons like this. If you don't uphold the law, go somewhere else and do it but not here in our community.

MR. PILAWA: All right. Anybody else?

MR. GILLETTE: I have a question.

MR. PILAWA: Okay.

MR. GILLETTE: Regarding the flow of the water, what has changed in the flow of the water onto your property since Lake-Geauga Recovery Centers acquired the property?

MR. SABEL: Nothing at this point but --

MR. GILLETTE: Thank you.

MR. SABEL: -- but -- hold on. Let me finish the question.

MR. GILLETTE: You answered the question, sir.

MR. SABEL: If you — it's going downhill, and it's going downhill over everybody's property.

MR. PILAWA: Is there anyone who hasn't spoken yet who wants to? Okay. Let me swear you in.

(Michael Seredich, of lawful age, was duly sworn.)

MR. SEREDICH: Michael Seredich, S-E-R-E-D-I-C-H, I live at 12250 Waterfowl. Everybody pretty much said everything that I wanted to say tonight already. I just want to let you know that I am adamantly opposed to this. I think if

people want to have a personal business, go with commercial property and do so. Leave the residents alone. We all moved out there for a reason. It's quiet, and that's the way we'd like to keep it. Thank you.

MR. PILAWA: Thank you. Who else? That was an excellent example of brevity.

MR. SEREDICH: Thank you.

(Bill Gray, of lawful age, was duly sworn.)

MR. GRAY: My name is Bill Gray, G-R-A-Y. I just wanted to state my opposition to the variance request. It's as simple as that. I live at 12255 Waterfowl Lane, been there since 1998, and everything that's been said I would agree with with regards to the community. I just wanted to state that for the record, my opposition.

MR. PILAWA: Thank you. I appreciate it. Ma'am, may I swear you in.

(Elizabeth Hagood, of lawful age, was duly sworn.)

MR. PILAWA: State your name, please.

MS. HAGOOD: It's my first meeting.

Go easy. Elizabeth Hagood, 12380 Bean Road. I grew up in Munson and moved away, 20 years, and came back. I am a single homeowner, but I moved here for

the safety of the community that I live in.

I've already experienced too many people traveling down 44 and it can be very uncomfortable. I am totally opposed to the variance for this. I don't want any more traffic that is going to be possibly endangering our community. And I did look in Concord, I looked in several other areas. I took a job downtown. I chose to live in a rural community for the safety factors, hospitals, town. Didn't want the city water. I had specific things that I wanted, and first and foremost was safety. And I pay high taxes. I don't have children in this school district, but I am willing to do that to keep the home value and what I desire is to keep this a safe community. I am very opposed to the variance.

MR. PILAWA: Thank you.

MR. TURKISH: Mike Turkish,

T-U-R-K-I-S-H.

MR. PILAWA: Would you raise your right hand, please. I haven't sworn you in today, have I?

MR. TURKISH: No.

(Mike Turkish, of lawful age, was duly sworn.)

MR. TURKISH: I reside at 12290

Waterfowl Lane. I don't know who is aware of this or if this was said already, but the township of Munson was the first rural township in all of Ohio to take the initiative of full development of its own territory providing for orderly time to grow with its zoning resolutions.

When you look at the organization in terms of LGRC, taking ownership of a residential home that is unsuitable for their use and then having no regard for local preexisting laws or ordinances is appalling. Is the hardship unique to this property? No. This hardship is identical to any and all surrounding properties zoned for R-1 criteria. This hardship was brought upon solely by Melanie Blasko. She was not being mindful of her tenants, surrounding properties, or the Township of Munson where she — where Melanie clearly acted defiantly by immediately occupying this against instruction by BZA chair Dennis Pilawa of the BZA meeting January 16th of this year.

Does the zoning regulation deprive the owner of a substantial right? Lake-Geauga Recovery Centers are not deprived of any rights by using the property with the same and equal rights to all adjacent and nearby property owners.

Can the property be used in an economically viable manner without the variance? Yes. The property may be used under the R-1 regulations which were available for review by LGRC prior to purchase.

How does the proposed use compare to adjacent and nearby uses? No other house nearby fell under the R-1 regulations operating similarly as low rent housing for occupying multiple unrelated persons, which is no different than a revolving door weekly motel. However, unlike a business property, the transient residents in this home will not only have no substantial financial investment in the community but have little to no contribution socially to increase the quality of the neighborhood.

Is this hardship self-induced? Yes. The hardship is solely the result of the actions of Melanie Blasko. There was no due diligence or proper research to locate a property suitable for housing requirements. She disregarded local laws and ordinances which were in place and enforced before the purchase of this home. As a precursor, in my opinion, before purchasing the property on Waterfowl Lane, I met on the actual ground of the property with the then zoning inspector Tim Kearns

with the sole purpose of determining if the property would suit our use under the zoning guidelines. This is what responsible people do, foresee the liability of their investment and take accountability for their actions. Only after meeting with Tim Kearns were then our needs addressed to determine if we were going to purchase the property.

The lack of responsibility of Melanie Blasko and LGRC does not free them of the obligations to adhere to the government restrictions of use of properties. There was absolutely nothing limiting Melanie from educating herself regarding the use of the property.

How does the zoning regulation protect the public health, safety, and morals? Well, the newest police reports, as mentioned by Sonja here, associated with LGRC clearly show the property attracts a negative element. This house, if it's allowed to operate with its revolving door of tenants, changes the dynamics of the neighborhood, removing the benefits.

There are over 100 reports directly associated with all of Lake-Geauga Recovery Center properties, included but not limited to suspicious

activities, suspicious persons, suspicious vehicles, trespassing, warrant arrests, fights, illegal burning, assaults, alarms, physical threats, criminal damaging or endangering, disturbance, high on heroin, suicidal attempts and threats, harassment, mentally ill, possible overdoses, high and intoxicated persons, missing persons, illegal fires, property theft, citizens arrest, weaned detox, opium withdrawal, heroin overdose, and lastly shots fired.

One report I think it's worth to re-mention that Sonja did mention that's very close to us here is regarding the Chardon recovery house at 114 Water Street. They're running into things like someone will stay for the night and they're saying they cut brake lines. This report was from the same type of Level II recovery home LGRC has tried to establish here.

At the Oak Street house there were reports of shots fired. Twelve .9 millimeter shell casings were located nearby the home. Also, there was a report recently received in Chardon for an illegal fire and living in the woods.

Now, we could discuss episodes of drug relapses, overdoses, but the point here is a few of

the reports that I have just mentioned have no relevance to actual drugs because the houses do not have an association with drugs and the frequent relapses associated with it. Also, there's non-drug related violence. These reports show a documented pattern of criminal behavior which affect not just the residents of the recovery houses but represent a very probable, physical, psychological, and possibly even economic hazard.

After reviewing the reports, I have now felt the need to invest in security surveillance equipment. This was an expense I felt wholly necessary because of LGRC's history.

Will the adjoining properties be harmed? More than likely. Within days of the house manager and others occupying the house there has already been trouble. The lackadaisical attitude of the house manager and her inability to perform the simplest actions places my family and adjoining homes in a position to be burdened. In a documented conversation on February 11 of this year, the house manager stated several days prior she said she observed a suspicious vehicle trespassing on her property and made no attempt to investigate or document the incident to the sheriff's department.

I know this because I asked about the incident reports.

Now, LGRC as an organization has documented constant suspicious persons and the house manager has responsibility for policing and makes no attempt to perform any due diligence to report this incident for their own safety. I believe this places a level of documented unnecessary burden and my — it's instrumental to get involved.

This now raises another concern. Did Melanie know of the zoning restrictions? I believe she did. The record shows in the Maple Leaf dated May 29, 2014, Melanie states, quote, zoning is also a stumbling block but the advantages of having a local place for recovering addicts to go to are worthwhile, end quote. And reference the Geauga County Maple Leaf dated August 20th, 2015, quote, Chardon planning and zoning administrator Steve Yaney said in early June, Melanie Blasko, executive director of Lake-Geauga Recovery Centers told him the organization was buying the house and explained it will be used to provide housing for up to five men who have completed their three- to nine-month treatment and need a place to live among other recovering addicts determined to stay sober, end

quote.

After talking with then city solicitor Jim Gillette, Yaney said the sober house met all the zoning regulations as a permitted use and required no variances, public hearings, or notifications. In addition, Patricia Kidd, executive director of Fair Housing Resource Center, said these words, Kidd said, quote, Kidd credited LGRC Executive Director Melanie Blasko for her grant-writing efforts, finding the right location for a sober house and going through all the right channels to make the project happen, end quote.

So after a few-minute Google search about the history of LGRC's operation, be aware Melanie admits zoning is a major obstacle, our top legal argument. Both Melanie and her now attorney Jim Gillette know how to but there were very few people communicated with, in the local government. From the history of the first recovery house in Chardon, how does Jim Gillette, legal counsel, not know about that location.

MR. PILAWA: From what I can tell, you've given us your view on all of the factors that we have to consider, A through H. I don't mean to cut you off, but it seems like we're getting a

little off task here.

MR. TURKISH: Okay. Let me just finish up by saying Patricia Kidd, you know, I wish she was here, but you're all — with these locations for these houses, there are right and wrong channels to go through to establish them in the community, and Melanie knows what they are.

Melanie has over 40 years of experience. A letter from Jim Gillette to Munson Township dated February 20th details why this is not making me very excited to view LGRC as new neighbors. Drugs are not new for the Chardon sober house. In the Geauga Maple Leaf, they stated having a sober house is in Chardon's favor.

MR. PILAWA: You know, I think we get the point. I really do.

MR. TURKISH: Okay. Lastly —

MR. PILAWA: I mean, why should I cut you off? Tell us what you were going to say.

MR. TURKISH: Well, lastly, and the most important thing that I would like to say is —

MR. PILAWA: You should have said that first.

MR. TURKISH: With all due respect to the BZA, if the community doesn't support this, we

would ask you decide, given the location, what's in our best interests. This is not the right environment.

I agree and support any and all notification requests for this property made by my neighbors and for the residents who also oppose the house operating at this location. Thank you to the BZA for hearing my concerns this evening. Please take my statement under consideration for your decision in this matter.

MR. PILAWA: Thank you. All right, folks. I think we've pretty much discussed this back and forth as far as we can. We're going to have to — I apologize, but we're going to have to take about a ten-minute break.

Unless there is anything else you wanted to say? Probably not.

MR. GILLETTE: I just want to make some comments for the record.

MR. PILAWA: Then we will take our break as the Board.

MR. GILLETTE: One of the exhibits I submitted was Appellate's Exhibit Number 5. It's an email between Melanie Blasko and James Herringshaw, and the first email is from Melanie to

Mr. Herringshaw. And she said she investigated the issue of the residential facility and determined that that section, that's a permitted use under the resolution, did not apply because it's only for persons with developmental disabilities.

And then she also commented that this was a situation where the issue is whether or not it can be occupied by a protected class. And Mr. Herringshaw's response was: As far as our legal counsel is aware, whether or not an individual is recovering — an individual is in recovery as part of a protected class does not exempt one from zoning requirements. However, she said she would be interested in seeing that legal interpretation and forward it on to her.

The issue in this case has always been whether or not the five unrelated woman in recovery are a protected class. It's been the issue since November 8th, it was the issue on December 23rd when she went in to file an application for zoning certificate. That application for zoning certificate was immediately denied, and at that point there was a notice of appeal and request for variance filed.

The BZA's jurisdiction is set forth in

Section 1103.3 of your zoning resolution. Your jurisdiction applies to two areas: Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning inspector, and to grant a variance when sufficient evidence to warrant same unnecessary hardship will result.

Again, I'm asserting the position that not only is this a request for a variance, but it was a proper notice of appeal timely made on December 23rd, 2019, the same day as the zoning certificate was denied. On that basis, there is no reason whatsoever that the recovery house should not be permitted.

A licensed residential facility is a permitted use. It allows five developmentally disable individuals who are part of a protected class to live in one residence. The recovery house is no different.

Finally, I would note that — direct your attention to pages 12 and 13 of the memorandum that I provided that provides guidance regarding public opinion and community sentiment as evidenced at the board of Zoning Appeals here. Thank you.

MR. PILAWA: All right. We'll see you

about in about ten minutes or so.

(A recess was held.)

MR. PILAWA: All right. We can go back on the record.

With respect to Case 20-02, before I ask for a motion, it is a consensus, the unanimous belief of the Board, that the case does not involve an appeal of a decision of the zoning inspector in his original decision, as among other reasons, it was not timely filed.

Is there a motion with respect to Case 20-02?

MS. PITCOCK: Yes. I'll make a motion with respect to 20-02 to deny the variance request.

MR. PILAWA: Is there a second?

MR. O'NEILL: I second.

MR. PILAWA: How about discussion? I don't mind leading off, if that's all right with the Board.

MS. PITCOCK: Go ahead.

MR. PILAWA: I'm struck by the absolute lack of evidence that has been presented on behalf of the applicant here. The obligation on the part of the applicant is to bring us evidence of the factors that we need to consider.

A use variance isn't a minor thing. Because this type of relief is so significant, the use variance requires the existence of an unnecessary hardship and that unnecessary hardship is filed through the consideration of certain factors that have to be weighed in determining whether the property owner seeking the use variance — well, here (handing).

It includes all of the factors that we have been talking about tonight. For example, we've been given no evidence that the hardship is unique to this property, that the hardship — in fact, it seems to me that -- or it seems to the Board, it certainly seems to me, that there is no hardship associated with this property at all because it fits perfectly as a single-family residence within the district that's zoned for single-family residences, that the hardship was created by the numbers to make it something it wasn't.

Does the zoning regulation deprive the owner of a substantial property right? Well, we've seen no evidence of what that substantial property right may be or that it has been denied. In fact, that property can be used as it has been historically used, until now, which is precisely the

right that we believe is not being deprived to the current property owner.

May the property be reasonably used in an economically viable manner without a variance? Well, that was conceded. Not only was there no evidence presented that the property could not reasonably be used in an economically viable manner, but in fact it was conceded. We were told -- and frankly, it would have been silly to fight that. You know, we've been told that it's no different than any other single-family residence in an R-1 residential district. It is that.

And then how does the proposed use compare to adjacent and nearby uses? And it took a little time for us to get there, but we finally got there that 12700 is going to be used for weekly renters. There has been no evidence to suggest that this area has any other weekly renter situations or anything other than single-family residences. We were just not given that evidence.

Is the hardship self-induced? Yes, absolutely. I think the overwhelming evidence is that due diligence wasn't done. There were multiple opportunities to determine where this property was located. And because that wasn't done, then a

hardship is created; yet that hardship wasn't created by the zoning ordinance, any decision of the zoning inspector, anybody other than the group that ultimately purchased this for doing lack of due diligence, and I think that evidence is overwhelming.

Under the zoning regulation protecting public health, safety, and morals, you know, we had evidence presented by the fire chief and we had evidence presented by residents who have lived there for a long time suggesting that although the zoning regulation, as it currently is constituted, is designed to protect public health, safety, and morals. Actually, the granting of the variance, the use variance, might weaken that protection that's already in the zoning ordinance. And that evidence I thought was substantial coming from the fire chief, and frankly from all of the residents who have been there for a long time.

The next factor is will adjoining properties be harmed? And we, I, didn't receive evidence of sufficient quality from the applicant to suggest that there would be no harm, and that evidence could have come to us in any number of fashions. And I don't mean to second guess how

anybody wants to present their case. But why didn't we hear from the realtor? You know, the relator was there. That realtor had a vested interested in this, to establish that, in fact, the house they sold wasn't going to have any affect on the property values, or have a single person come in and say — a single person other than the applicant and those associated with her or it, the group, come in and say that no, no, no, you have this wrong, actually it's going to stay the same or actually it's going to go up or actually I brought you the tax logs, you know, they've gone up on Waterfowl Lane. But we've had an absence of that evidence.

And then, finally, did the property owner purchase the property with knowledge of the zoning restriction? And I understand that the claim is that there was no knowledge of the zoning restriction, but as a Board I think we don't find that credible. LG Recovery, that's a sophisticated organization that deals in hundreds of thousands of dollars of grants, sophisticated enough to put together grant applications to get the kind of money to buy an almost \$300,000 house and yet they didn't have anybody who could look — that's almost the first question you ask anymore when you're on the

commercial side of things, is that the zoning — when you contact the government authorities, "Does zoning permit me to do what I want to do before I'm going to give out that outlet?" But even so, the testimony was that she did not know, she did not have knowledge of the zoning restriction. But that's only one of eight. And the use variance requires that we have evidence to satisfy all eight of those required elements, and we just didn't have it, and that evidence which we did have, indicated just the opposite, that is, there was no unique hardship. I just went through them. I'm not going to go through them again.

And I've probably spoken enough about the discussion part of it. Is there anybody else on the Board who wants to discuss before we call the roll?

MR. TOMARIC: Yes. I'd like to say that the house at 12700 Ravenna has been in the R-1 district for many years and it successfully fit into the surrounding neighborhood. And when the Lake County group purchased it, I think they decided that they were going to change everything in the neighborhood to suit their needs, and I think that is against the eight factors that we have to analyze in their request.

MR. PILAWA: Anyone else?

Well, there is a motion to deny the variance request and a second.

Paula, would you call the roll, please.

MS. FRIEBERTSHAUSER: Mr. Alexander?

MR. ALEXANDER: Yes.

MS. FRIEBERTSHAUSER: Mr. O'Neill?

MR. O'NEILL: Yes.

MS. FRIEBERTSHAUSER: Mr. Tomaric?

MR. TOMARIC: Yes.

MS. FRIEBERTSHAUSER: Mrs. Pitcock?

MS. PITCOCK: Yes.

MS. FRIEBERTSHAUSER: Mr. Pilawa?

MR. PILAWA: Yes.

Thanks, everybody, for coming. We are adjourned at 11:19.

(Meeting concluded at 11:19 p.m.)

C E R T I F I C A T E

State of Ohio,)
County of Cuyahoga.) SS:

I, Sarah Lane, a Notary Public in and for the state of Ohio, do hereby certify that these proceedings were by me reduced to stenotypy in the presence of said parties, afterwards transcribed by means of computer-aided transcription, and that the foregoing is a true and correct transcript so given as aforesaid.

I do further certify that these proceedings were taken at the time and place as specified in the foregoing caption, and that I am not a relative, counsel, or attorney of either party, that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28 (D), or otherwise interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, this date of September 29, 2020.

Sarah Lane
Sarah Lane, Notary Public
My commission expires December 18, 2021.

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